

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1981

VOL. I



FOB JAMES, Governor
GEORGE D. H. McMILLAN, Lieutenant Governor
FINIS ST. JOHN, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
RICHARD S. MANLEY, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1981 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State



STATE OF ALABAMA

DON SIEGELMAN
SECRETARY OF STATE

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Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government---a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accesible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible for those who are regular users of the Alabama Acts, a new numbering system was initiated in the 1979 session.

Under this system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secretary of State. Numbering begins at the commencement of each calender year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act received from the Governor in 1981 is designated as Alabama Act 81-1, the second act is 81-2, and so forth.

People behind the scenes who made publication of these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meredith Graves, enrolling and engrossing clerks; Dody Pappanastos and Helen Thorington, technical proofreaders; Louis Green, Director of the Legislative Reference Service; and, Edna Erle Young of the Secretary of State's office.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

A handwritten signature in cursive script that reads "Don Siegelman".

Don Siegelman
Secretary of State

**STATE-OF-THE-STATE ADDRESS TO
JOINT SESSION OF THE LEGISLATURE
BY GOVERNOR FOB JAMES
AT REGULAR SESSION FEBRUARY 3, 1981**

Mr. Speaker, Governor McMillan, distinguished members of the House and Senate, Ladies and Gentlemen.

First, I extend a very warm welcome to members of the Legislature and staff as you return to Montgomery for this regular session which I think will indeed be a very special session. Secondly, I want to take this opportunity to say to members of my cabinet that I am grateful for forward movement on your part on a broad front, and you're gaining momentum everyday. Thirdly, I want to express a heartfelt thanks to Bobbie James for a very special **partnership** that is my personal cabinet.

This is the year 1981. This is the year **Grassroots** America spoke loudly, from Alabama to New York to California, and said to all of us in government at every level, "**Get our house in order and get it in order now.**"

I gather from the tone of your comments during budget and committee hearings, you come here to look hard reality in the eye without blinking, to act within the perimeter of **economic** economics, not political economics, to act within the framework of logic and common sense, **not expediency**, to act within the boundaries of a defined philosophy, **not to drift on the broad expanse of political whim and emotion**. I applaud and appreciate you who take this direction.

There is no better place to begin than by discussing tax dollars, money taken by law from hard-earned paychecks.

Over 80% of the total revenue of the State of Alabama comes from earmarked taxes. From taxes that, year-in and year-out, are restricted to the same bureaucracy no matter how inefficient it becomes and no matter how genuine the need for revenue in other areas. **I say this practice of earmarking state taxes is against the public interest, and I say it without equivocation.**

I believe in the Alabama Legislature. The Legislature has the responsibility to judge the ever-changing needs of the people and to appropriate tax revenue accordingly. This is impossible with over 80% of Alabama's total tax revenue **locked-in** from earmarked taxes. **Earmarking is in fact a form of taxation without representation.**

Earmarking is the major cause of Alabama's financial problems. Let me cite you two major examples:

The First In a number of years during the last two decades, the **Alabama Special Education Trust Fund** enjoyed large surpluses due to the high growth of earmarked taxes. The surplus funds were used to expand higher education to a level far exceeding our realistic needs. We have one 4-year institution for every 230,000 people. The national average is one 4-year institution for every 400,000 people. We are seventh in the nation in gross dollars spent on medical education. We are forty-sixth by any other economic barometer you wish to apply. The number of 2-year schools in Alabama exceeds that of most other states, including many states with populations larger than ours. There are duplications of programs in higher education from one end of this state to the other, **and everybody in this room knows it.** The waste and overexpansion has cost Alabama taxpayers hundreds of millions of dollars. I say to the taxpayers, "Blame this long-term extravaganza, at your expense, on earmarked taxes."

Some of you have told me you would support unearmarking if you could see how the people would benefit. Well, in this education budget I have submitted for next year, there is a 24 million dollar reduction in the amount of money proposed for higher education. You have at your disposal, an itemization of these reductions, and I say to you that **higher education can improve its quality on my proposed budget.** This is right for the students. I have proposed an increase of 34 million dollars for grades K - 12. **The people will benefit.**

We have declining enrollment at all levels of education. We need **very few**, if any, new buildings on our college campuses. We have within the last 3 months released 60 million dollars to build schools for grades K - 12, and we will release another 30 million dollars as soon as the bond market improves. You all know local support for schools is not what it should be in some areas, thereby placing a heavy disproportionate burden on state tax revenue. **Under United States Federal Court order** your Revenue Department is in the process of making property appraisals uniform and fair for all citizens. The results of this work will mean an increase of 81 million dollars for county governments and 19 million dollars for city governments in late 1982. There is no reason the great bulk of this new money should not go to local school systems of this State.

I fully expect our economy to regain its vitality in a year or two, **and with this**, one can expect 9% to 12% growth in the **Alabama Special Education Trust Fund.** One is unrealistic not to expect surpluses to reappear, and one is even more **unrealistic** not to expect **the surpluses to be spent, whether needed or not, if we continue earmarking.**

The Second Any department of government receiving earmarked taxes is somewhat insulated from legislative scrutiny through

the budgetary process. The budget is the one tool you have to discipline the bureaucracy and insure that the people receive the services for which they are taxed. Earmarking totally disarms the Legislature in this respect as an earmarked department of government has no incentive to save, **only to spend**. I have witnessed first hand the results of earmarking in the Highway Department — 2,000 employees too many in January, 1979, and in the Mental Health Department — a brand new 7.5 million dollar maximum security hospital in Tuscaloosa still standing empty.

Both the Highway Department and the Mental Health Department receive earmarked taxes. The Department of Corrections receives no earmarked funds, and we have today over 1,400 state prisoners in city and county jails, and the Federal Courts are threatening to let the **dangerous** criminals out on the street.

Besides all of that, we are the **only state in America** that earmarks a great majority of our taxes.

You have one of three choices: **Either unearmark and get our house in order, pass new taxes, or reduce essential services.**

I ask you to allow the people of Alabama to vote on this issue in a referendum to be held in the primary election of 1982. And, in the meantime, why not **stand tall** and statutorily unearmark everything under this roof in the days ahead?

Some years ago, the Alabama Legislature decided to meet every year rather than every other year. Perhaps there is evidence to support the wisdom of this move; however, I strongly believe the Legislature and the people will be far better served if we return to biennial budgeting.

I give these reasons:

1. The budget, year-in and year-out, is the most important business of the Legislature. When you throw the budget into the midst of hundreds of other pieces of legislation, the budget can be held hostage, leveraged and an orderly constructive analysis of all elements within the budget becomes very difficult.
2. The budget is one document the Legislature and the public ought to understand in depth and in detail. This takes plenty of time, so we need to isolate the budget in order to insure legislative scrutiny and public understanding.
3. It is not true that annual budgeting makes for a more accurate projection of income and expense. Our record speaks for itself on projecting income annually, and in government, we

have no sales or inventory to project, mostly payroll cost, and this can be done biennially.

4. **It is not true** that biennially budgeting would keep the state from reacting to a crisis such as Hurricane Frederic. A supplementary appropriation can be made to address a specific crisis in any given year.

In Florida, Governor Bob Graham led the charge away from biennial budgeting in 1970 when he served in the Legislature, and nine years later, led the charge back to biennial budgeting. Governor Graham told me the best thing he has ever done or ever would do for the Florida taxpayer was to return the State of Florida to biennial budgeting.

Therefore, I recommend that the Legislature budget for two years, every first and third year, and that no other business except local legislation be addressed until the budgets are passed.

I ask you to allow the people of Alabama to vote on this issue in a referendum to be held in the primary election of 1982.

The great majority of Alabama state employees does its job well. They deserve the gratitude of the people of Alabama and have earned the heartfelt appreciation of this administration.

On the other hand, personnel costs are 80% of the total cost of government. You and I share this responsibility, **and there is no way we can meet this responsibility** without making a fair and comprehensive assessment of these costs.

On Salaries And Wages

It is my desire for all state employees to receive salaries and wages that are competitive to salaries and wages paid in the private sector for the same work. This is fair to the state employees and to taxpayers. This is not the case in Alabama today.

Average current pay levels for state employees are 8% higher than the average current pay for employees within the private sector and local governments of Alabama. This information was obtained from a cross-section of employers throughout the state representing over 250,000 employees. It should be noted a majority of the companies responding to the survey were the larger firms. They are in the top category of the private sector with respect to employee compensation. It should also be understood that the 8% higher average pay for state employees indicates that some state job classifications are high and that some are low.

The state merit system includes four different pay raises that are

given by the administration. Last year over 60% of our employees received such raises.

Obviously, if the Legislature mandates a pay raise on top of the existing pay raises already in the system, inequities are locked in and compounded for another year. **I believe this is a serious mistake.**

I am, therefore, recommending that the Legislature, by joint resolution, instructs the Governor and the Personnel Board to adjust the basic pay of each job classification within the merit system to a level competitive to the private sector within the State of Alabama. In situations where state job classifications are unique to the public sector, we should adjust to a level competitive to the average level of pay within our 12 sister southern states. I welcome a Legislative Oversight Committee to work with us on this project.

Job classifications that are determined to be high should be held level for the period of time necessary to bring these classifications into line, and job classifications that are determined to be low should be increased to the proper level. These adjustments should be made effective October 1, 1981.

On State Holidays

The State of Alabama gives 13 legislatively mandated holidays. These holidays do not include Christmas Eve, New Year's Eve, or Friday after Thanksgiving. However, it is customary for the Governor to declare these days state holidays, as is the case with most Alabamians. I, and all other governors, have done this. All total, there are 15 to 16 state holidays annually compared with an average 9 to 10 holidays given annually by employers within the private sector of Alabama.

Conversely, several state holidays are not observed at all by a large majority of Alabama citizens. It is wrong for the state to give 50% more holidays, especially if all other elements of employee compensation are competitive. Therefore, I recommend reducing state holidays from 16 to 12.

On Sick Leave And Vacation Leave

I will recommend that our existing schedules be brought into line with the private sector; however, any sick leave or vacation leave benefits earned prior to October 1, 1981, will be fully retained.

On Life Insurance And Long-Term Disability Insurance

The State of Alabama provides neither. This is not only wrong, but it is a non-competitive personnel policy. Therefore, I am recommending that the state provide **at no cost to the employee** life insurance benefits, one to two times the employees' annual salary,

at time of death. I am, also, recommending that we provide disability insurance for all state employees in order to protect them against loss of income from sustained injury or illness.

On Hospitalization and Medical Insurance

The state provides coverage for the employee only. I'm of the opinion that coverage can be improved and perhaps expanded.

On Retirement Benefits

The State of Alabama substantially exceeds retirement benefits provided by the other 49 states and, also, substantially exceeds retirement benefits provided by over 90% of the employers within the private sector.

The contributions from taxpayers to the Alabama Retirement Systems for the fiscal year 1981-82 will be 253 million dollars. This does not include Social Security. When you combine Social Security paid by the state in the amount of 111 million dollars, you have a grand total of 364 million dollars. This is about 17.5% of total state taxes and other income the State of Alabama can use for employee compensation. Money for the retirement fund is paid off the top before on state service is rendered.

The present situation is not sound because if the state continues to increase its payments into the retirement fund, the state, not the retirement fund, will either go broke, cut services, or raise taxes. Another danger is that the retirement benefits already earned by thousands of dedicated state employees and teachers will be jeopardized.

It is unfair to state employees and taxpayers alike to continue this trend. Therefore, I have retained the Wyatt Company of Dallas, Texas, and Winklehoff & Associates, of Philadelphia, Pennsylvania, to evaluate our retirement programs. These two consultants are experts in the retirement field, and I have asked them to present their findings to a joint session of the Legislature on Tuesday, February 17, at 2:00 p.m. They will be here for 3 days following to answer your questions in detail.

After receiving the facts, I will recommend that the Legislature make the necessary adjustments to insure the integrity of the retirement fund and provide all teachers, state employees and judges with a competitive retirement program. This will have no effect whatsoever on retirement benefits earned prior to October 1, 1981.

Our public schools are among the first order when we ask – what are the essential services of government? You will appropriate this year over 750 million dollars to 127 public school systems. It is by far the largest appropriation you make **and it should be.**

The State School Board is the vehicle created by the Legislature to manage from the state level our public school system. You have every right to demand performance in each and every one of our school systems and to know exactly how your taxes are being utilized.

I can say for the first time in this state's history, our children have met the national average on the basic skills achievement test. I thank thousands of dedicated teachers, support personnel, principals, and superintendents for their good work. This is one small step in the right direction, realizing national averages have been declining for a number of years and that averages are a poor substitute for sure knowledge of whether an individual child is learning or not.

You are the first Legislature ever to have at your disposal information that clearly shows the following six conditions:

1. How the school system or systems in your district ranks relative to the achievement test scores of other school systems.
2. The teacher/pupil ratio of each school in your district, but more important, teacher/pupil ratio in each and every classroom.
3. The amount of local funds, state funds, and federal funds received by the school systems in your district and how the money is being spent. The cash balance at the beginning of the year, and the cash balance at the end of the year.
4. The ranking of each school system as to the money it receives per child.
5. The amount of new money your county and city governments will receive in 1982.
6. A comparison between teacher compensation in Alabama and teacher compensation in other states within the South for 1980-81.

You now have tools from which to make sound financial and sound educational judgments.

I want to thank the members of the State School Board, Dr. Teague, and other State Board Personnel for their initiative in providing facts **that are about 40 years overdue.**

There must be clear and concise communication between the State School Board and the Legislature. The State School Board needs to understand the financial resources of the state. The Legislature needs to understand the priorities, the policies, the problems, the progress, and the funding patterns of our public schools.

There is no greater responsibility one can undertake than to serve on the State School Board or a local school board. The decisions made here have a direct bearing on your child's education. Many times these decisions are difficult and oftentimes controversial. There is one acid test question that should prevail always — **is it good for the child?** You appropriate almost one half of our total tax revenue through the State School Board. It is important that the Legislature fully understands the workings of the Board.

Therefore, I recommend that the Speaker of the House and the Lt. Governor be added to the State School Board.

There is no doubt in my mind that (the addition of) our Speaker and our Lt. Governor, as well as future Speakers and future Lt. Governors, will make a valuable contribution to public education.

Not only is the State School Board the guiding policy and management unit for our public school systems, but also is for twenty-one Junior Colleges and twenty-eight Technical Colleges. Any board, **no matter how capable or hardworking**, would find it difficult to fulfill both responsibilities. Therefore, I recommend that the Legislature creates a separate board to manage our system of two-year colleges. This should be accomplished so as to allow close communications between the new board and the State School Board.

You, more than anyone else, understand the politics and the economics of universities. It is impossible for our great schools to pursue a mission of excellence, a mission of quality not quantity, unless they build on their strengths and eliminate their weaknesses. This has not been done; therefore, I recommend that the role of the **Alabama Commission on Higher Education** be changed from **one of coordination** to **one of administration** and that the Commission be restructured and given the authority to carry out that role.

I will propose a number of other bills:

1. A bill to challenge the absolute absurdity of the Supreme Court decisions banning prayer from public schools. To challenge comprehensively a decision that causes confusion and misunderstanding throughout the land. I suspect the Congress of the United States will be dealing rather forcibly with this issue, and it is long, long overdue.
2. A bill to reinstate the death penalty. It is a deterrent to vicious crime, **period**.
3. Several bills to strengthen law enforcement. It's time to take the handcuffs off our police, sheriffs, state troopers, ABC agents and other officers and put the handcuffs on criminals.

4. A bill to authorize a bond issue for Mental Health, and I compliment members of the Mental Health Oversight Committee for their good work in this regard.
5. A bill to consolidate state environmental functions into one agency. This will enhance our striking the proper balance between adequate environmental safeguards and economic well-being.

I know of a number of other bills some of you are introducing, and many of them I look forward to supporting 100%.

I have in the last 20 minutes recommended to you plain, concise and exact measures to solve the State of Alabama's so called financial crisis which is a myth. Government, by and large, doesn't know what belt tightening is. The housewife does. The farmer does. The employees of Chrysler Corporation do. Our retired people do, but this government is fixing to learn if you pass my proposals and the sooner the better. **Let me repeat.**

1. Unearmark and you bust the strait jacket that prevents you from appropriating public funds according to need.
2. Go back to biennial budgeting and you'll stop a lot of pork-barrel, monkey-business with the budgets.
3. Pass my budgets, and I promise you no service of major consequence will suffer and that higher education will once again devote its attention to quality, not expansion. Now, don't forget, our city and county governments will get another 100 million dollars of new revenue in 1982, and the great bulk of this new revenue should go to local school systems. That is our great deficiency in Alabama's tax structure. We don't give local schools the local support that they deserve in many counties and cities.
4. Now that the federal government has followed our lead with a comprehensive hiring freeze, our own freeze will work much better, and attrition alone will help stabilize the cost of government. If you adopt realistic and competitive employee compensation policies as I am proposing, the combination of these two **disciplines** will save us about 60 million dollars during the remainder of this fiscal year and next fiscal year. This is sufficient revenue, **if used wisely**, to operate state government. You will have to transfer some statutorily earmarked taxes to do this. If you do, we are in good shape. If you don't, I suppose you'll look for new taxes which I'll veto, and of course, you can override my veto with just a simple majority vote.

You see distinguished Senate and House members, we call ourselves Alabama's ship of state. The people back home own this boat. Their tax dollars pay for it and its upkeep. You and I are the sailors, the deckhands that run the vessel. Now, what do you think would happen if all 142 of us set sail on this big yacht **that the people pay for** and some of us slipped down in the engine room of this fine boat and knocked four big holes in the bottom. One, two, three, four. **Water would gush in.** Then, we'd come running back up on the deck and holler to the people on the bank, "**Hey, our boat is leaking.** We're taking water. We're going down. Send us **some more tax dollars** so we can stay afloat." You know what I think the people have already said?: "Plug your holes. You are not getting another dime of new state taxes, and if you don't plug the holes, we'll get a new crew." And, they are dead right.

I have just identified for the second time tonight the four big leaks of state government and exactly how to plug those big leaks.

I believe in the Alabama Legislature, individually and collectively — in everyone of them. In this session, as never before, have so few had so great an opportunity to do so much for so many. I, my cabinet and staff stand ready and willing to work with you, **tirelessly**, to these ends.

I thank you.

ALABAMA LAWS

and Joint Resolutions

REGULAR SESSION 1981

Act No. 81-1

H.J.R. 4—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 3, 1981, we adjourn to meet again on Thursday, February 5; when we adjourn on Thursday, February 5, we adjourn to meet again on Tuesday, February 10; when we adjourn on Tuesday, February 10, we adjourn to meet again on Thursday, February 12; when we adjourn on Thursday, February 12, we adjourn to meet again on Tuesday, February 17, 1981.

Approved February 6, 1981

Time: 9:00 A.M.

Act No. 81-2

H.J.R. 6—Reps. Manley, Campbell, Biddle, Carothers, Adams(C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Peques, Penry, Rains, Ray, Reed,

Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C), Smith (J),
 Smith (M), Starkey, Stewart,
 Stout, Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH CHARLES McCORQUODALE, SR., DISTINGUISHED CITIZEN AND PROMINENT CLARKE COUNTIAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of Joseph Charles McCorquodale, Sr., in Grove Hill, Alabama, on December 13, 1980, at the age of 88 years; and

WHEREAS, a native and lifelong resident of Clarke County and a graduate of Marion Military Institute and Howard College in Birmingham, Mr. McCorquodale was a member of Grove Hill First United Methodist Church; he was a former merchant, farmer and timberman who also was notably distinguished through his more than three decades of public service; and

WHEREAS, Mr. McCorquodale was a member of the Clarke County Commission from 1929 until 1939, during which tenure he twice held terms of office as president of the Alabama Association of County Commissioners; in 1976 the organization bestowed its County Government Award upon Mr. McCorquodale in recognition of his "outstanding individual service to County Government in Alabama"; and

WHEREAS, in 1939 he was appointed tax collector of Clarke County to begin service that was to extend, by virtue of election, until his retirement in 1961; and

WHEREAS, as a member of one of his county's most distinguished pioneer families, Mr. McCorquodale's affection for his beloved Clarke County was a legacy of three generations, and his entire life was a reflection of that love, evidenced through acts of care and concern for all of Clarke County and its citizens; and

WHEREAS, not only was Mr. McCorquodale the founder and first president of the Clarke-Washington Electric Cooperative but also, through the years, was individually and influentially responsible for numerous programs of progress and prosperity for Clarke County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Joseph Charles McCorquodale, Sr., of Clarke County, Alabama; we share his loss not only with his family but with all those who loved him as a kind and gentle man of great stature and achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his son and our friend, Joseph C. McCorquodale, Jr., that he and his family may know of our sincerely shared sorrow and concern.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-3

H.J.R. 7—Rep. Moore

HOUSE JOINT RESOLUTION

COMMENDING MISS PAIGE PHILLIPS, MISS ALABAMA AND FIRST ALTERNATE TO MISS AMERICA, 1981.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama notes the selection of our own Miss Alabama as first alternate to Miss America for 1981 during the prestigious national pageant finals held in Atlantic City on September 6, 1980; and

WHEREAS, the lovely and talented Miss Phillips of Leeds, Alabama, just 17 years of age and the pageant's youngest contestant, is a freshman at Birmingham-Southern College majoring in speech pathology and music; and

WHEREAS, having already won a talent preliminary, Miss Phillip's ventriloquist's act on the night of the finals was an obvious favorite with the audience as well as with all her friends and fans back home in Alabama; and

WHEREAS, in addition to another scholarship she had already won, Miss Phillips was awarded an additional \$15,000 in scholarships during the finals and also will serve as Miss America in the event that the winner is unable to fulfill her term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of her extraordinary beauty and exceptional talent, we most gratefully express this body's appreciation for the fame and honor Miss Paige Phillips has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Miss Phillips in token of our admiration and high regard.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-4

H.J.R. 8—Rep. Moore

HOUSE JOINT RESOLUTION

CORDIALLY REQUESTING MISS PAIGE PHILLIPS OF LEEDS, ALABAMA, TO APPEAR IN PERFORMANCE FOR THE ALABAMA LEGISLATURE.

WHEREAS, Miss Paige Phillips of Leeds, Alabama, currently serves as first alternate to Miss America for 1981; and

WHEREAS, in addition to extraordinary beauty and charm, Miss Phillips also is possessed of an exceptional talent which was brilliantly demonstrated the night of the pageant finals; and

WHEREAS, in standing ovation her audience expressed its pleasure and appreciation as did those of us at home privileged to view the nationally televised program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially request Miss Paige Phillips to appear in performance for the Alabama Legislature at her earliest convenience; we further direct that, by copy of this resolution, Miss Phillips be informed of our invitation and of our anticipation of her acceptance.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-5

H.J.R. 11— Reps. Smith(C), Whatley, Cates

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA CATTLEMEN'S ASSOCIATION.

WHEREAS, the Alabama Legislature notes with hearty congratulations that the Alabama Cattlemen's Association, in 1980, was once again number one in the nation in membership; and

WHEREAS, contributing to the Association's growth were 45 counties which reported increases over 1979 for a statewide total increase of 185 members, thus enabling the state organization to once again top 16,000; and

WHEREAS, through dynamic promotional efforts, education and representation, the Alabama Cattlemen's Association has traditionally provided the leadership necessary to further the growth of the beef cattle industry in Alabama, progress which is vital to the economy of our entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Alabama Cattlemen's Association as the largest such association in the entire nation; we further direct that a copy of this resolution be forwarded to Mr. E. H. Wilson, Executive Vice President, in appreciation of the Association's accomplishments and contributions to the State of Alabama.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-6

H.J.R. 16—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING WAYNE SPRADLEY OF PELL CITY, ALABAMA, ON HIS OUTSTANDING ARTISTIC ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama notes the many accomplishments of Mr. Wayne Spradley of Pell City, Alabama, who has become widely acclaimed as a young artist of extraordinary talent; and

WHEREAS, a native and lifelong resident of Pell City in Saint Clair County, Wayne Spradley spent four years in the United States Navy following high school graduation and, upon his return to civilian life, opened a sign shop and also began his present employment with Connor Steel Company in Birmingham; and

WHEREAS, as a junior in high school, Wayne Spradley had already won the Golden Key Award and his work had been purchased by the University of Alabama; in 1969 he began three years of intensive study in watercolor and from the time of his first exhibition has enjoyed the success of an accomplished artist; and

WHEREAS, with more than 150 major art awards to his credit,

Mr. Spradley has exhibited all over the Southeast and in Maryland, and limited edition prints of his work are sold through a studio in Cottonwood, Tennessee; and

WHEREAS, his watercolors, increasingly, are of wildlife scenes and he was commissioned to paint the 1980 Alabama Duck Stamp, the original of which was presented with a recent exhibition of his winter collection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Wayne Spradley of Pell City, Alabama, on his many accomplishments as an extraordinarily talented and successful artist.

BE IT FURTHER RESOLVED, That Mr. Spradley receive a copy of this resolution that he may know of our deep pride in his achievement and of our warm best wishes for continued success in his field.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-7

H.J.R. 17—Rep. Adams(C)

HOUSE JOINT RESOLUTION

CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

WHEREAS, the Regular Session of the Legislature of Alabama of 1980, by Act No. 80-720, H.J.R. 285, approved May 28, 1980, created a joint legislative interim committee to study educational institutions which receive money from state funds; and

WHEREAS, the committee has had many meetings, conducted many hearings, has made an exhaustive study and has prepared a report of its work to present to the Legislature not later than the tenth legislative day of the 1981 Regular Session; and

WHEREAS, additional study is needed in this area and it is necessary and desirable to continue said committee in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee heretofore established by Act No. 80-720, H.J.R. 285, of the Regular Session of the Legislature of 1980, approved May 28, 1980, shall continue in existence as presently constituted, with three additional members appointed by the Speaker of the House and

three additional members appointed by the Lieutenant Governor, and shall continue its work as directed in said Act No. 80-720. The committee shall make a final report during the 1982 Regular Session of the Legislature, at which time the committee shall be terminated.

BE IT FURTHER RESOLVED, That no member of the committee shall be paid any per diem or expenses while the Legislature is in session, regular or special; however, at other times each member of the committee shall be entitled to his per diem and expenses for each meeting attended, as provided for in Act No. 80-720. The per diem and expenses of the members for the continuance of the committee shall not exceed \$12,000 and shall be paid from any funds appropriated for the use of the Legislature.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-8

H.J.R. 18— Reps. Whatley, Turnham,
Edwards, Ward

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EDWARD GINGLES.

WHEREAS, The Legislature was greatly saddened to learn of the death of Edward Gingles of Opelika; and

WHEREAS, Ed was a native of Butler County and the son of William Harvey Gingles and Gertrude Harbin Gingles; his mother still lives in Fort Deposit, Alabama; he graduated from Greenville High School where he played football; he served in the U.S. Air Force during World War II, was married to the former Betty Sue Maxwell of Tuscaloosa; and

WHEREAS, he received his B.S. Degree in Agriculture from Auburn University and he began working for the federal government in Andalusia in 1967; in 1968 he went to Clayton as Soil Conservationist of Barbour County; in 1973 he went to Opelika as Soil Conservationist of Lee County where he remained until his death; and

WHEREAS, he was always active in civic affairs and in helping his fellow man; he was a former member of the Kiwanis Club, a Shriner, and a member of Emmanuel Episcopal Church of Opelika; he was made Honorary State Farmer of the F.F.A. in 1975, and in 1970 was President of the Alabama Chapter, Soil Conservation Society of America; and

WHEREAS, Ed was a man who was much loved by all who knew him, whether they be dear friend or casual acquaintance; he possessed a warmth and a rare sense of humor that was renowned and enjoyed by all; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Edward Gingles and express our deep and sincere sympathy to his widow and mother and to his daughters, Mrs. Bill Jones, Mrs. William S. Farrington, and Miss Judy Gingles, to whom copies of this resolution shall be sent.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-9

H.J.R. 21—Reps. McCorquodale, Manley

HOUSE JOINT RESOLUTION

HONORING CLARANCE R. MYRICK, PROMINENT CLARKE COUNTY CIVIC AND POLITICAL LEADER.

WHEREAS, a native and lifelong resident of Clarke County, Clarence R. Myrick was born September 17, 1888, in Walker Springs, Alabama, and is a 1908 graduate of the First District Agricultural College, Jackson, Alabama; and

WHEREAS, C. R. Myrick moved to Coffeetown following graduation to accept a teaching position in the nearby community of Prospect; in 1910 he began teaching in Coffeetown and was later to serve a four-year tenure, from 1924 to 1928, as a member of the school's board of trustees; and

WHEREAS, a member of the Coffeetown United Methodist Church, Mr. Myrick's sincere persuasion is evidenced through faithful attendance, and through his devoted service as a former Sunday School Superintendent and as a member of the Board of Stewards since 1923; and

WHEREAS, Mr. Myrick's lifetime of interests and involvements, which have truly paralleled and kept pace with history, include ownership of a warehouse on the Tombigbee River during steamboat days, the operation of a ferry from Coffeetown to Choctaw County, as well as farming operations in Clarke and Choctaw Counties until

some 20 years ago when he was more than 70 years of age; he also is a former director of the Clarke-Washington Electric Membership Corporation and has been a Mason for more than fifty years; and

WHEREAS, a former Justice of the Peace for a number of years, he also served as County Commissioner, District 3, from 1939 until 1948, and was a member of the County Board of Registrars from 1955 through 1960; and

WHEREAS, undoubtedly, Clarence R. Myrick's most distinguished community service was as chief municipal officer of Coffeerville for almost a quarter of a century, first elected Mayor in 1956 with subsequent victories until 1980 at which time he chose not to run for re-election; and

WHEREAS, outstanding among many accomplishments of this long and prestigious tenure were the realizations of a new town hall, jail and fire station, the paving of all streets within the city limits and the installation of a city water works system implemented in 1964 and which system Mayor Myrick continues to serve as manager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the City of Coffeerville and all its citizens in paying tribute to their former longtime mayor and most prominent citizen, the Honorable Clarence R. Myrick.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Myrick as evidence of our deep esteem and in sincere appreciation for his untold contributions as a distinguished Alabamian and a great American.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-10

H.J.R. 22— Reps. Biddle, Gafford, Waggoner

HOUSE JOINT RESOLUTION

EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama has noted, with utmost pleasure, the Wedding Anniversary on February 7, 1981, of Mr. and Mrs. William Vaughn Lewis of Birmingham, Alabama; and

WHEREAS, joined in matrimony on February 7, 1921, William

Vaughn Lewis and the former Estelle Bass have remained in said holy state for sixty years; and

WHEREAS, they have lived their lives as one, devoted to one another, and remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Lewis are the parents of two sons, and a daughter now deceased; they also have six fine grandchildren and are the great-grandparents of four wonderful children; and

WHEREAS, in celebration and observance of this joyous occasion, and at a reception in their honor, hosted by their children, Mr. and Mrs. Lewis shared their happiness with all their family and with many of their friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulations extended to this exemplary couple of Birmingham, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Lewis that they may know of our warm best wishes for continued happiness and joy.

Approved February 16, 1981

Time:9:00 A.M.

Act No. 81-11

H.J.R. 23—Rep. Blake

HOUSE JOINT RESOLUTION

NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

WHEREAS, Leon Ullman Dickinson has been a beloved and respected citizen of Ragland in Saint Clair County, Alabama, since 1935, when he moved to that area to establish and operate his own sawmill business; he was later to enter the lumber and building supply business and remain actively engaged in its operation and management until his retirement at the venerable age of 94; and

WHEREAS, affectionately and widely known simply as "Pop" Dickinson, he is now 96 years of age and yet a viable force for goodness in his beloved hometown of Ragland and in all of Saint Clair County; and

WHEREAS, it is to be admirably noted that during the two decades between 1940 and 1960, Pop Dickinson, in the course of his

business and without charge, financed the cost of building materials and supplies for more than 50% of the homes built in Ragland; and

WHEREAS, though he, himself, is modest in his generosity, his fellow citizens are aware, in love and gratitude, of his lifetime spent in care and concern for his fellowman; and

WHEREAS, he is a Mason of many years' standing, a member of the Civitans, a member of the First United Methodist Church of Ragland where he served as Deacon for many years, and he is a past member of the local Housing Authority Board; and

WHEREAS, Mr. Dickinson, who has long been actively involved with the Boy Scout Program, holds the organization's coveted Silver Beaver Award; he further numbers among his civic contributions continuing participation in the affairs of his community that are to the good and betterment of his neighbors and friends; and

WHEREAS, among accolades of his friends are to be found tributes to his "love," "generosity," "understanding," "wisdom," gentleness" and "wit"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in gratitude to Leon Ullman Dickinson, Highway 144 in Saint Clair County, Alabama, is hereby named and designated as the "Pop Dickinson Highway."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said Highway as the "Pop Dickinson Highway."

RESOLVED FURTHER, That Mr. Dickinson receive a copy of this resolution that he and his family may be aware of this honorary designation tendered in appreciation and in high regard.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-12

H.J.R. 25— Reps. Kennedy, Harper (T),
Turner, Stewart, Parker, Zoghby,
Bedsole, McMillan, Buskey, Rains

HOUSE JOINT RESOLUTION

HONORING PAUL WESTERFIELD BRUNSON UPON HIS
RETIREMENT AS JUDGE OF THE DISTRICT COURT OF
MOBILE COUNTY.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the recent retirement on January 20, 1981, of Judge Paul Westerfield Brunson of the District Court of Mobile County, Alabama; and

WHEREAS, though a native of Clarke County, Mississippi, Judge Brunson has been a resident of Mobile since early childhood; he is a graduate of Murphy High School of that city, of Spring Hill College and of the University of Alabama School of Law where he was awarded the LL.B. Degree; and

WHEREAS, he also attended the National College of the State Judiciary in Reno, Nevada, completing graduate courses in Criminal Law and Sentencing as well as Special Court classes and General Jurisdiction programs; and

WHEREAS, following admission to the Alabama Bar and the private practice of law for a period of two years, Paul Brunson became Director of the Mobile Center of the University of Alabama, serving in said capacity for some ten years; he then resumed his law practice in Mobile until his election as Judge of the Court of General Sessions, now the District Court of Mobile County; and

WHEREAS, Judge Brunson's professional affiliations are numerous and include membership in the Alabama and American Bar Associations and American Judicature Society; he has served as a member of the Judicial Article Implementation Committee, District Court Section, and also as Vice-President of both the Intermediate Judges and the District Judges Associations of Alabama and was a faculty member of the 1979 Alabama Judicial College; and

WHEREAS, Judge Brunson has long been civically active through such prestigious service as President of the Mobile Junior Chamber of Commerce, President of the Mobile Azalea Trail and of the Mobile Town Meeting Association; he is a past recipient of the U. S. Junior Chamber of Commerce Key Man Award, a member of Omicron Sigma social fraternity and Phi Alpha Delta professional fraternity, a Leader of the Great Books Discussion Group and has served in membership on the Literary Arts Committee and the Allied Arts Council of Metropolitan Mobile, as well; and

WHEREAS, a Patron of the Mobile Symphony and the Mobile Civic Music Association, Judge Brunson's interests extend further to include active participation in Disaster Communications as an advanced FFC licensee in amateur radio; he also is a collector of stories of Mobile history and lore and has restored the historic Bunker House of his beloved city; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Paul Westerfield Brunson both on his brilliant career as a jurist and for his deep civic involvement prompted through care and concern for his community and its citizens.

BE IT FURTHER RESOLVED, That we wish his continued success and happiness in retirement and direct that he receive a copy of this resolution as evidence of our high praise and regard.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-13

H.J.R. 27—Rep. Payne

HOUSE JOINT RESOLUTION

REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE FOR THE PURPOSE OF FORMULATING RECOMMENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

WHEREAS, state vital statistics data for the year 1979 reveal that 72 per 1,000 births in Alabama were to mothers 15-19 years of age; and

WHEREAS, of these 13,500 births to women less than 20 years of age, many are known to result from unwanted and inappropriate pregnancies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Governor of the State of Alabama to implement a teenage pregnancy task force for the purpose of studying and proposing specific recommendations to the Governor, and to the Legislature, as to how existing resources might be used to reduce unwanted and inappropriate teenage pregnancies in Alabama. We respectfully suggest that such task force include members from the Department of Public Health (Bureau of Maternal and Child Health), State Education Department, Alabama Chapter/American Academy of Pediatrics, the Department of Pensions and Security, the Office of Rural Health, the HSA's, SHPDA, SHCC and such voluntary organizations as the March of Dimes, the Alabama Council on Maternal and Infant Health and four members of the Legislature, two to be appointed by the Speaker of the House and two by the Lieutenant Governor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor James that he may know of our concern

in this matter and of our desire that he activate such task force as hereby recommended by the Legislature.

Approved February 16, 1981

Time : 9:00 A.M.

Act No. 81-14

H.J.R. 28—Rep. Bedsole

HOUSE JOINT RESOLUTION

CALL FOR AN INVESTIGATION BY THE OFFICE OF MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF HSA'S.

WHEREAS, the National Health Planning and Resources Development Act of 1974 (PL 93-641) has from its inception been a source of concern to many Alabamians because of the increasing federal dictation of the planning process; and,

WHEREAS, the federal law mandated the formation of local Health Systems Agencies (HSA's) while restricting all effective decision making by such agencies to compliance with federal guidelines and regulations; and,

WHEREAS, evidence has not been established that the Health Systems Agencies have prevented unneeded investment in health care facilities and may in fact contribute to the cost of health care directly and through needless delays in legitimate planning for local health care needs; and,

WHEREAS, the Joint Interim Committee to Study the Rising cost of Medicaid in the State of Alabama has recommended that Congress investigate the Health Systems Agencies in view of the fact that the agencies in Alabama have published health care plans through 1985 while they continue to exist at a cost of approximately \$3 million per year; and,

WHEREAS, without opposing the concept of health care planning, the Legislature of the State of Alabama records its concern in regard to the cost effectiveness of the HSA's and express its support for greater State control over the health planning process; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, AND THE SENATE OF ALABAMA CONCURRING, that we do hereby urge the Director of the U. S. Office of Management and Budget to conduct an independent investigation into the effectiveness of the Health Systems Agencies in the contain-

ment of health care cost and report its finding to the Congress of the United States.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to all members of the Alabama Congressional Delegation.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-15

H.J.R. 30—Reps. Stewart, Turnham

HOUSE JOINT RESOLUTION

HONORING COMMUNITY EDUCATION.

WHEREAS, Community Education for the past seven years has provided opportunities for residents of all ages so that they may benefit from their local school facilities and services, and

WHEREAS, During 1979-80, 394,585 Alabamians participated in community education programs in forty-two school systems across Alabama, and

WHEREAS, Community Education provides educational, recreational, social, vocational, cultural, and personel enrichment programs for all in a wide range of activities, and

WHEREAS, Community Education has provided to many the opportunity to extend their skills and interest, while encouraging, cooperation between schools and other local agencies and assures greater utilization of our schools, and

WHEREAS, some 651 individuals and 3,608 volunteers worked 55,036 manhours in Community Educaton programs in Alabama in 1979-80.

NOW THEREFORE LET IT BE RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the Alabama Community Education Advisory Council be commended for their outstanding achievements and involvement in the education process, and their dedication improving the quality of life in our State.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Dr. Boyd Rogan, Chairman of the State Community Education Advisory Council.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-16

S.J.R. 5— Messrs. Martin, St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

WHEREAS, The Legislature of Alabama has grievously noted the death of James Nelson Bloodworth on December 28, 1980, at the age of 59; and

WHEREAS, a retired Alabama Supreme Court Justice, Judge Bloodworth was a native of Decatur, Alabama, who graduated from the University of Alabama with B.S. and LL.B. degrees and also attended Athens College, Athens, Alabama; and

WHEREAS, he was a practicing attorney for eleven years in his home town of Decatur and later served for ten years as circuit judge of Alabama's Eighth Judicial Circuit; he was a former associate member of the State Board of Pardons and Paroles and also served as judge of the Recorder's Court in Decatur; and

WHEREAS, entering the United States Army in 1943, James Bloodworth later retired as a lieutenant colonel, JAGC, United States Army Reserves; he was a Rotarian, Mason and Shriner, and in 1980, was named Alumnus of the Year by the University of Alabama School of Law; and

WHEREAS, Judge Bloodworth took office in 1968 as Associate Justice on the Alabama Supreme Court, serving for 12 years until his recent retirement as senior member of the court; and

WHEREAS, James Bloodworth was a member of the Presbyterian Church and had served as Elder of both the First Presbyterian Church of Decatur and of Montgomery's Trinity Presbyterian Church; he was a man of sincere Christian beliefs, and of practice,

who in strong and enduring faith served his Lord with devotion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of James Nelson Bloodworth, a distinguished Alabama jurist and a great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Jean Bloodworth, that she and their three daughters, Catherine, Sandra and Peggy may know that we truly share the sorrow of their great loss.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-17

S.J.R. 6 — Messrs. Cook, Proctor, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING DR. JOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER.

WHEREAS for many years the open heart surgery programs at the Medical Center of The University of Alabama in Birmingham (UAB) have been recognized nationally and internationally for their excellence, and this recognition has grown over the years due to the unique skills and dedicated leadership of Dr. John W. Kirklin, Kerner Professor and Chairman of the Department of Surgery; and

WHEREAS after terminating his appointment as a member of The Board of Governors and Chairman of the Department of Surgery at the Mayo Clinic in 1966 and joining the faculty at UAB, Dr. Kirklin

has maintained as one of his first priorities the continuation of one of his major areas of interest and commitment — the establishment of a program for improving infant cardiac care; and

WHEREAS to that end Dr. Kirklin has been instrumental in the development of the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB, an unexcelled center for the treatment of infants and children with congenital heart defects, a center which has assembled under its aegis an outstanding team of physicians, nurses, and special support staff who work together to perform the highly sophisticated open heart surgical procedures and to carry out outstanding research in this area; and

WHEREAS in addition to Dr. Kirklin, who recently has been selected to receive the highest award the American Medical Association can give, the Distinguished Service Award, the highly skilled team of surgeons and scientists includes Dr. Albert D. Pacifico, who came to UAB in 1967, also from the Mayo Clinic, and who is recognized as one of the most accomplished congenital heart disease surgeons in the world; Dr. Lionel M. Barger, Jr., a graduate of The Medical College of Alabama, who is one of the world's leading pediatric cardiologists and who is particularly known for his innovations in diagnosis by cineangiography; and Dr. Eugene B. Blackstone, who has made universally acknowledged contributions to the field of congenital heart surgery through his outstanding talents in the science of data acquisition and analysis; and

WHEREAS through his skill and associated fame, Dr. Kirklin has helped the University to obtain contributions of the resources needed to create a modern, totally equipped patient care facility — the Alabama Heart Hospital, including the Quarterback Tower addition to the University Hospitals — which contains the operating suites needed to conduct the surgery and which provides the surgical and cardiovascular intensive care patient rooms necessary to monitor the patient's progress and to assure that patient care and recovery are conducted under the most ideal circumstances; and

WHEREAS patients from throughout the United States and from many countries throughout the world have been referred to UAB for correction of congenital cardiovascular defects, and the teams of surgeons there perform more than four hundred such operations each year; and

WHEREAS no other similar center for congenital heart disease surgery in the region, or perhaps the nation or the world, can compete with the programs now concentrated in the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB; and

WHEREAS pediatric heart specialists, both medical and surgical,

go to The University of Alabama in Birmingham Medical Center from literally every country in the world, for periods ranging from a few days to a year, to study, learn, and be a part of the programs there; and

WHEREAS, because of the skilled personnel and outstanding facilities at UAB, national and international recognition has come to Birmingham and to the entire state of Alabama, with the success rate for these heart operations being the most outstanding in the world because the Alabama Congenital Heart Disease Diagnosis and Treatment Center can provide the necessary diagnostic, surgical, nursing, pathological, and patient monitoring skills necessary if such highly specialized surgery is to succeed; and

WHEREAS this body here assembled wishes to commend Dr. John W. Kirklin and other members of the skilled professional staff at the Alabama Congenital Heart Disease Diagnosis and Treatment Center located at The University of Alabama in Birmingham;

NOW, THEREFORE, BE IT RESOLVED that The Legislature of Alabama, both Houses thereof concurring, hereby recognizes the great contributions made to the welfare of the people of Alabama, and indeed the nation and the world, by the skilled professionals at the Alabama Congenital Heart Disease Diagnosis and Treatment Center.

BE IT FURTHER RESOLVED that The Legislature of Alabama hereby expresses its great pride in the outstanding cardiovascular surgical programs carried out at the Center, and herewith conveys its deep appreciation to Dr. John W. Kirklin and the many skilled members of the staff at the Center for the worldwide recognition, fame, and renown which have redounded to the State of Alabama because of their outstanding efforts.

BE IT FURTHER RESOLVED that Dr. Kirklin and other members of the staff of the Alabama Congenital Heart Disease Diagnosis and Treatment Center receive a copy of this resolution as evidence of our high esteem.

Approved February 16, 1981

Time: 9:00 A.M.

Holmes, Keener, Kirkland,
Lemaster, Little, Martin,
McDonald, Mitchem, Parsons,
Pearson, Proctor, Robertson,
St. John, Smith, Taylor, Teague,
Vacca, Weeks and White

SENATE JOINT RESOLUTION

CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

WHEREAS, the Legislature of Alabama is pleased to note the 1980 State 4A Football Championship captured by Vestavia Hills High School by virtue of their 15-13 win over Parker High in the final round of the State Playoffs; and

WHEREAS, the third time was truly the charm for the Rebels, as it was their third straight year to participate in the finals, but this year it was to end in victory following a 9-1 record in regular season play against a heavy schedule of formidable opponents; and

WHEREAS, directing his team to an outstanding season and the crown, Head Coach Buddy Anderson was most ably assisted by coaches Grammar, Sheffield, Jeffrey, Dunn, Braasch and Prewett; and

WHEREAS, each and every member of this outstanding varsity squad is to be congratulated and commended for his contribution to the Rebel's fine season and ultimate capture of the State Title, a coveted goal achieved through hard work, perserverance and the team's will-to-win spirit that never once wavered all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Vestavia Hills High School Rebels as our 1980 State 4A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Athletic Director Mutt Reynolds, a copy to Head Coach Anderson on behalf of his assistants, staff and team, with a copy also forwarded to Dr. Rafael McDaniel, Principal, to be used for appropriate school display.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-19

S.J.R. 8— Messrs. Vacca, Cook and White

SENATE JOINT RESOLUTION

**MOURNING THE DEATH OF W. COOPER GREEN,
FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.**

WHEREAS, the Legislature of Alabama notes with regret the death of W. Cooper Green of Birmingham, Alabama, on June 29, 1980, at the age of 79; and

WHEREAS, a Birmingham native, Cooper Green was a teacher and coach at Autauga County's Marbury High School in 1922 prior to a ten-year career in real estate and insurance; and

WHEREAS, he was elected to the Alabama Legislature in 1930, serving until 1933, at which time he was appointed by Franklin D. Roosevelt to serve as Birmingham's postmaster, a position he held for seven years; and

WHEREAS, Cooper Green was elected in 1940 to fill the vacancy of mayor and president of the Birmingham City Commission; re-elected in 1941, 1945 and again in 1949, he resigned the office in 1953 to assume a vice presidency of the Alabama Power Company, becoming an executive vice president in 1959, as well as a member of the utility's board of directors; and

WHEREAS, Mr. Green's areas of public service expanded in 1965 with his election to president of the Jefferson County Commission in which capacity he served for some ten years until retirement for reasons of ill health; and

WHEREAS, among his many accomplishments was the realization of a county hospital and medical facility which today bears his name; he also had served as chairman of the Senior Citizens Committee and further served the City of Birmingham through his leadership role in the restoration of racial harmony during the sixties; and

WHEREAS, undoubtedly one of Birmingham's most outstanding citizens, Cooper Green will long be remembered for his contributions to the growth and development of his beloved city and to all of Jefferson County; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of W. Cooper Green of Birmingham, Alabama, and extend our most heartfelt sympathy to his family to whom copies of this resolution shall be sent.

Approved February 16, 1981

Time: 9:00 A.M.

Act. No. 81-20

S.J.R. 9—Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOSEPH C. MCCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature has noted with deep sorrow and regret the death of Mr. Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama, on December 13, 1980, at the age of 88; and

WHEREAS, Mr. McCorquodale, father of House Speaker Joseph C. McCorquodale, Jr. was a native Clarke Countian and a graduate of Marion Military Institute and Howard College in Birmingham; he was a lifelong resident of Clarke County, the fourth generation of a distinguished pioneer family of that area; and

WHEREAS, a former merchant, farmer and timberman, he also was founder, first president and longtime director of the Clarke-Washington Electric Membership Cooperative and held public office in Clarke County for more than thirty years; and

WHEREAS, serving first as a County Commissioner, from 1929 until 1939, and for two terms as president of the Alabama Association of County Commissioners, Mr. McCorquodale was appointed tax collector in 1939, holding said office until his retirement in 1961; and

WHEREAS, Mr. McCorquodale was a member of the Grove Hill First United Methodist Church and was further actively involved in the affairs of his community through participation in numerous programs for the betterment of his beloved county and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama; we further extend our most heartfelt

sympathy to his son, Speaker Joe McCorquodale, and to his grandsons, Joseph, III, and Gaines C. McCorquodale, and other family members to whom copies of this resolution shall be sent.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-21

S.J.R. 10—Mr. Kirkland

COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

WHEREAS, the Legislature of Alabama has noted the announced retirement, effective July 1, 1981, of Mr. Harry L. Weaver as Escambia County Superintendent of Education, a position he has held, either through election or by appointment, for the past 24 years; and

WHEREAS, a 1930 graduate of Brewton's T. R. Miller High School, and of Birmingham Southern College with an A.B. Degree, Harry Weaver also holds an M.S. Degree in School Administration from Auburn University; and

WHEREAS, Mr. Weaver's 46 years in public education, 22 years as a school principal in Escambia and Lowndes Counties and 24 years in his present position, represent the second longest tenure of the 127 current Alabama school superintendents; and

WHEREAS, he is a member of a large family of educators including both his parents, five brothers and sisters, his wife and two of their children; his father also served for 28 years as Escambia Superintendent with the result that either Harry Weaver or his father has held that chief administrative position for 52 of the past 54 years; and

WHEREAS, during the past 24 years, with Harry Weaver as Superintendent, the Escambia County School System has never experienced a single year of deficit financing even during years of proration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Harry L. Weaver on his long and prestigious career in the field of public education; we wish him every future success and also express our deep gratitude for his continued service as Superintendent Emeritus, an honorary position bespeaking the high regard of the members of the Escambia County Board of Education.

BE IT FURTHER RESOLVED, That Mr. Weaver receive a copy of this resolution in token of our appreciation and in praise.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-22

S.J.R. 11—Mr. Kirkland

SENATE JOINT RESOLUTION

WHEREAS, the recent January 1980 retirement of Judge Hugh Rozelle brought to a close two decades in public office in Escambia County and his fourth term as District Judge; and

WHEREAS, in recognition of and appreciation for his long and faithful service, the Escambia County Commission proclaimed January 8, 1981, as "Judge Hugh Rozelle Day" throughout Escambia County; in conjunction, the Escambia County Bar Association hosted a reception also in honor of Judge Rozelle; and

WHEREAS, during his tenure on the Bench, Judge Rozelle worked diligently, and with dedication, for all the people of his county, and he especially is to be commended for the many improvements in the juvenile court system of Escambia County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge Hugh Rozelle upon his retirement as Judge of the Inferior and District Courts of Escambia County for 16 years.

BE IT FURTHER RESOLVED, That Judge Rozelle receive a copy of this Resolution that he may know of our deep appreciation and of our warm best wishes for every future success.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-23

S.J.R. 13—Mr. Robertson

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama is pleased to note the Class 2A State Football Championship won by Gordo High School

following a 26-22 triumph over South Choctaw High School of Silas, Alabama; and

WHEREAS, the championship game was well attended by enthusiastic fans of both teams, including State Senator Ed Robertson, all of whom thoroughly enjoyed the exciting game and greatly admired the courage and good sportsmanship displayed by all the players; and

WHEREAS, Gordo High School emerged from the finals with the Crown and with fourteen solid victories without a loss for the season; the team wound up with a 35 points-per-game average, ceding a miserly eight points-per-game average to their formidable opponents; and

WHEREAS, leading his team to this outstanding 1980 season and to the Championship, Head Coach Waldon Tucker, now in his third year at Gordo High, was ably assisted by Coaches Jimmy Mills, Ted Copeland, Mike Driver and Ronald Coleman; and

WHEREAS, credit for the crown also goes to all members of this fine 1980 team who worked together diligently all season long, exhibiting good sportsmanship and fair play in each and every game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Gordo High School and the 1980 Class 2A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Max Joiner, Principal, for appropriate school display with a copy also sent to Coach Tucker on behalf of his entire staff and his 1980 championship team.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-24

S.J.R. 14—Mr. Robertson

SENATE JOINT RESOLUTION

CONGRATULATING AKRON HIGH SCHOOL CLASS A FOOTBALL CHAMPIONS.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the tremendous 1980 football season of Akron High School which resulted in the State Class A Championship with a 26-20 victory over McKenzie High in the final round; and

WHEREAS, in regular season play, with a 9-0 record that included three complete shut-outs, Akron outscored their opponents six to one, or 402 points to just 67 for their rivals; and

WHEREAS, in the Playoffs, Akron did it again, going 4-0 for the Crown with 140 points for the Rams as opposed to a total of just 47 points for Berry, Parrish, Madison Academy and McKenzie High School; and

WHEREAS, the Rams were superbly coached to the Title by Nanthaniel Kelly, now in his eleventh year at Akron, during which time he has compiled a win-loss record of 80-30-2, including two undefeated seasons and three trips to the State Playoffs; and

WHEREAS, the Rams' enviable 1980 record, though due in large part to the expert coaching abilities of Coach Kelly and his assistant Coach, Kermit Jones, could not have been possible without the exceptional talent and will-to-win spirit of all 24 players who worked together diligently to capture the Crown for Akron High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Akron High School as the 1980 State Class A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Nanthaniel Kelly on behalf of his staff and the entire team, with a copy also provided for appropriate school display.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-25

S.J.R. 15—Mr. Robertson

SENATE JOINT RESOLUTION

COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON

WHEREAS, the Legislature of Alabama has noted with high praise the outstanding 1980 football season of South Choctaw High School of Silas, Alabama; the team was a perfect 10-0 in regular season play and lost only to Gordo High School in the title game for the State 2A Championship; and

WHEREAS, the championship game was played before a tremendous crowd of enthusiastic fans of both teams, including State

Senator Ed Robertson, all of whom thoroughly enjoyed the excellent game and admired the courage and sportsmanlike conduct of the players; and

WHEREAS, South Choctaw High School's brilliant season was due in great measure to the leadership provided by William Boggs, Head Coach for five years with an admirable 42-14 record; his assistants were coaches John Mayfield and David Lewis; and

WHEREAS, Coach Boggs' fine 1980 team racked up a total of 286 points in fourteen games, ceding only 125 to their opponents, an enviable record for both the offensive and defensive lines of South Choctaw High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate South Choctaw High School of Silas, Alabama, runnerup to the 1980 State 2A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also for Coach William Boggs on behalf of his entire staff and all members of the 1980 football team.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-26

S.J.R. 17—Mr. Proctor

SENATE JOINT RESOLUTION

COMMENDING GENERAL IVAN F. SMITH.

WHEREAS, the Alabama Legislature notes with pleased accord the appointment by Governor Fob James of Colonel Ivan F. Smith as Commander of Troop Command and his corresponding promotion to the rank of Brigadier General in the Alabama Army National Guard; and

WHEREAS, General Smith, in civilian life, is an instructor at Chilton County High School in Clanton; he holds a bachelor's degree earned at Jacksonville State University, also a master's degree and teaching certificates from the University of Montevallo; and

WHEREAS, prior to accepting this prestigious command, General Smith headed the Alabama Army Guards' 20th Special Forces Group which has headquarters in Birmingham with units in Alabama, Mississippi, Florida and Maryland; during his military

career of more than 28 years, he has received the Master Parachutist Badge, Meritorious Service Medal, Army Commendation Medal, National Defense Service Medal, Armed Forces Reserve Medal as well as the Commendation, Special Service and Faithful Service Medals of Alabama; and

WHEREAS, General Smith, a graduate of the Tropic and Jungle Warfare School, Command and General Staff College and the Army War College, also has completed advanced courses in artillery, infantry and administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Brigadier General Ivan F. Smith on his outstanding military career; we further congratulate him on his recent promotion and appointment by the Governor and direct that he receive a copy of this resolution in token of our high regard.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-27

S.J.R. 18—Messrs. Teague and Proctor

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. J. D. LAWLEY ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure the 50th Wedding Anniversary, on July 19, 1980, of Mr. and Mrs. J. D. Lawley of Leeds, Alabama; and

WHEREAS, J. D. Lawley and Vivian Newton, both natives of Leeds, Alabama, were joined in holy matrimony in Trussville, Alabama, on July 19, 1930, and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Lawley are the parents of one son, John Lawley, and four daughters, Carolyn Lawley, Helen Brown, Imogene Walker and Brenda Tucker; they also have eight grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Lawley that they may be aware of our congratulations and warm best wishes on this memorable occasion.

Approved February 16, 1981

Time: 9:00 A.M.

Act No. 81-28

S.J.R. 4—Messrs. Goodwin, deGraffenried,
Higginbotham and Proctor

SENATE JOINT RESOLUTION

EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, SJR 105, of the 1980 REGULAR SESSION.

WHEREAS, research is still being conducted on several aspects of land owned by the Department of Mental Health such as mineral potential, legal description and total acreage, current value or fair market value, and timber management; and

WHEREAS, without thorough analysis of said indepth research, the Committee does not feel that it can at this time make responsible recommendations to the legislature, as mandated in Act No. 80-203, SJR 105, of the 1980 Regular Session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to study utilization and value of land owned by the Department of Mental Health is hereby extended for a period of one year.

BE IT FURTHER RESOLVED, That the total amount of funds expended by the Committee in carrying out the study, during this one-year extension period, shall not exceed the sum of seven thousand five hundred dollars (\$7,500.00).

Said Committee shall continue to have the same members, powers, duties, functions, rights and privileges, and shall report their findings and recommendations to the Legislature by the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved and relieved of all duties and responsibilities.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-29

S.J.R. 16—Mr. deGraffenried

SENATE JOINT RESOLUTION

CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer, one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1982, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials within Tuscaloosa County. The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-30

S.J.R. 25—Mr. Robertson

SENATE JOINT RESOLUTION

**HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT
AS PICKENS COUNTY COMMISSIONER.**

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the recent retirement, on January 19, 1981, of William Travis Fair as a longtime member of the Pickens County Commission; and

WHEREAS, appointed May 18, 1960, by Governor John Patterson to fill the unexpired term of Dr. L. C. Davis, Commissioner Fair was elected to a full four-year term commencing in January 1961; and

WHEREAS, four times re-elected, Commissioner Fair served prestigiously for more than two decades, conscientiously and consistently seeking the best interests of his constituents of Gordo, District 3, and of the entire citizenry of Pickens County, as well; and

WHEREAS, it is to be further noted that by virtue of his many years of consecutive service, Commissioner Fair is the longest holder of public office of those now in service to Pickens County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend William Travis Fair for extraordinary and faithful service to the governing body of his beloved Pickens County, Alabama; we further voice our deep appreciation for his dedicated public service and wish him continued success and prosperity in retirement.

BE IT FURTHER RESOLVED, That Commissioner Fair receive a copy of this resolution that he may be aware of our sincere praise and high regard.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-31

S.J.R. 27— Messrs. McDonald, Lemaster and
Smith

SENATE JOINT RESOLUTION

**MOURNING THE DEATH OF DR. PHILLIP MASON OF
HUNTSVILLE, ALABAMA.**

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death, in October, 1980, of Dr. Phillip Mason of Huntsville, Alabama; and

WHEREAS, Dr. Mason, who was 70 years of age at his death, was a native of Marion, Alabama, where he attended Marion Institute; he received his Bachelor and Master of Arts Degrees from the University of Alabama and attended one year of law school, with additional postgraduate studies at Peabody University; and

WHEREAS, Phillip Mason, before his retirement, served as Director of the University of Alabama Huntsville Center's Extension Division, which is now UAH and from which institution he received an honorary Doctoral Degree; and

WHEREAS, for some six years prior to his death, Dr. Mason served as a member of the Alabama State Council on the Arts and Humanities, and in leadership through membership on several committees of said council; and

WHEREAS, as the President of the Arts Council, Incorporated, of Huntsville, Dr. Mason was responsible for the co-ordination of a multitude of cultural activities in Madison County; he further encouraged creative writing for young people through his enthusiastic support of the Huntsville Literary Association for Young Writers Contest; and

WHEREAS, the realization of Huntsville's historic Constitution Hall Park also is due in great measure to Dr. Mason's instrumental efforts in helping to formulate plans for its design and through his committee service and as a member of the Board of Directors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Phillip Mason and extend our most heartfelt sympathy to all members of his family, to whom copies of this resolution shall be sent.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-32

S.J.R. 28—Mr. Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD

WHEREAS, The Tuscaloosa community and the State of Alabama lost one of its most outstanding citizens on September 29, 1980, when Mrs. Pauline Myra Jones Gandrud died; and

WHEREAS, Mrs. Gandrud, the widow of B. W. Gandrud, a mining engineer, had a consuming interest in genealogy, and gave tirelessly of her skill in researching and compiling old records from courthouses, cemeteries, and libraries; and

WHEREAS, The output of this love, energy, and skill is contained in over 250 volumes of material, which Mrs. Gandrud painstakingly compiled and shared selflessly with others, and

WHEREAS, The recent upsurge of interest in tracing ancestry brought countless people not only from Tuscaloosa but from around the Southeast to enlist the expert assistance of Mrs. Gandrud in ferreting out and compiling family histories; and

WHEREAS, Much of Mrs. Gandrud's output has been generously bequeathed to the Gorgas Library at the University of Alabama, thereby continuing to be available to interested researchers; and

WHEREAS, What was once a part-time hobby turned into a most sought-after, full-time service, and Mrs. Gandrud became one of the most valuable and beloved citizens of her community and state; and

WHEREAS, Mrs. Gandrud could always find time to be a friend, and to make significant contributions of love and neighborliness to her family, her many friends, and to her community; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express the gratitude of the Legislature, on behalf of the people of Alabama, for the life of Mrs. Pauline Myra Jones Gandrud, and the many contributions she made during her long and productive lifetime to the enrichment of our state; she will be sadly missed, but leaves a rich heritage to all who knew and loved her.

BE IT FURTHER RESOLVED, That our deepest sympathy is extended to her son, Bill Gardner, of Atlanta, Georgia.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-33

S.J.R. 30— Messrs. Little, Bailey, Barron,
Britnell, Callahan, Cook,
deGraffenried, Denton, Figures,
Glass, Goodwin, Gullede, Hall,
Harrison, Higginbotham, Hilliard,
Holmes, Keener, Kirkland,

Lemaster, Martin, McDonald,
Miller, Mitchem, Parsons,
Pearson, Proctor, Robertson,
St. John, Smith, Taylor, Teague,
Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Auburn's beloved Coach James Ralph "Shug" Jordan on July 17, 1980, at the age of 69; and

WHEREAS, as Auburn's head football coach for 25 seasons from 1951 until his 1975 retirement, Shug Jordan successfully re-built Auburn's football program to powerhouse proportions, to the National Championship in 1957 and his teams, throughout his tenure, were a source of great pride to the State of Alabama, as was Coach Jordan's phenomenal career record of 175-83-7, which ranked him fourth in the nation in all-time victories among college coaches; and

WHEREAS, during his long association with Auburn, which he served with love and devotion until his death, Ralph "Shug" Jordan was coach, mentor and, above all, friend to hundreds of young athletes whose lives were profoundly affected through association with our state's own legendary "Gentleman Coach"; and

WHEREAS, the passage of time since Coach Jordan's death has not eased the sorrow of those who knew and loved him as the extraordinary man that he was; he yet is mourned by his family and many, many friends, by all those privileged to know him and, indeed, by the entire citizenry of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Alabama's own "Shug" Jordan through whom the spirit of Auburn shone brightly.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his wife, Mrs. Evelyn Walker Jordan that she and their children may know of our sincerely shared sorrow in the loss of their husband and father, a distinguished Alabamian and a truly great American.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-34

S.J.R. 31— Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature notes the death of Dean Katharine Cooper Cater on July 23, 1980, in Auburn, Alabama; and

WHEREAS, for more than thirty years, from 1946 until her death, Dean Cater supervised and counselled Auburn students in her capacity first as Dean of Women and Social Director, then as Dean of Student Life; she was sympathetic, objective and fair in her guidance, and constant in her love as she served her beloved Auburn and "her" students with devotion and dedicated zeal; and

WHEREAS, the recipient of numerous honors, accolades and awards, Dean Cater was perhaps most signally honored by the 1979 dedication of the Social Center at Auburn University, designated by the Legislature and the Auburn Board of Trustees as "Katharine Cooper Cater Hall"; and

WHEREAS, named Administrator of the Year in 1979 by the Association of Alabama College Administrators, she also was acclaimed by the establishment in 1977 of the Katharine Cooper Cater Fellowship by Alpha Lambda Delta, the professional honorary organization she served as National President from 1970 until 1976; and

WHEREAS, though a native of Georgia and a graduate of South Carolina's Limestone College, magna cum laude, Auburn and Alabama claim Dean Cater for their own as she was a lady of great stature and accomplishment who for almost 35 years helped mold the character, values and high moral principles of thousands of Alabama's youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Katharine Cooper Cater and extend our most heartfelt sympathy to her family to whom a copy of this resolution shall be sent.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-35

S.J.R. 32— Messrs. Cook and Proctor

SENATE JOINT RESOLUTION

HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama joins with the city and citizens of Alabaster in congratulating and honoring Mr. James "Buddy" Glasgow upon his ascendancy to the office of Grand Master of the Grand Lodge of Free and Accepted Masons of Alabama; and

WHEREAS, a member of Alabaster's Corinthian Lodge, Mr. Glasgow has been a Mason since 1966 and has risen in rank through the Order, holding numerous offices of successively higher station from Lodge Master in 1970 to Lecturer of District 12, then as Junior Grand Warden in 1978, preceding his election as Grand Master on November 19, 1980; and

WHEREAS, a United States Army veteran who served in combat with the 82nd Airborne Battalion in Viet Nam, Mr. Glasgow has attended Jefferson State College, the FBI National Academy, Alabama Police Academy, Southern Police Institute and Federal Narcotics School, as well; he currently serves as Sheriff of Shelby County; and

WHEREAS, Buddy Glasgow also is a member of the Board of Directors of the Alabama Sheriffs' Boys and Girls Ranches and further serves on the advisory boards of the Law Enforcement Academy at the University of Alabama, the Shelby County YMCA and of Kings Ranch; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Franklin Glasgow as Grand Master of the Grand Lodge F and AM of Alabama; we further voice appreciation for his civic involvement and concern and direct that he receive a copy of this resolution in token of our warm praise and regard.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-36

S.J.R. 33—Mr. Martin

SENATE JOINT RESOLUTION

EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

WHEREAS, regrettably, we have learned that Mrs. Betty Nell Letson, the wife of our friend and colleague, Representative Sam Letson, is hospitalized and recuperating from surgery performed Monday, February 2, 1981; and

WHEREAS, we are pleased, however, to hear that the prognosis is extremely encouraging and we are prayerful that her confinement will be as brief as anticipated and that she soon will be returning home; and

WHEREAS, we further join with her family and many friends in looking forward to her complete and speedy recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our warm and best good wishes to Mrs. Betty Nell Letson and direct that she receive a copy of this resolution evidencing our regret and concern in her confinement.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-37

H.J.R. 33—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

Commending Julio Corte, Jr., Baldwin County, Cattleman of the Year

WHEREAS, Julio Corte, Jr., President of the Alabama Cattlemen's Association with 16,330 members, has been named Cattleman of the Year for 1980 by the organization's publication, "Alabama Cattlemen"; and

WHEREAS, the Baldwin County resident was recognized for

“enthusiastic leadership during a tough economic year for cattlemen, leading the association to an increase in membership over 1979”; and

WHEREAS, Alabama’s association is recognized as the largest state group in the country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Julio Corte, Jr. on his many accomplishments in the Alabama Cattlemen’s Association and congratulate him on being named “Cattlemen of the Year for 1980.”

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Corte.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-38

H.J.R. 34—Rep. Patton

HOUSE JOINT RESOLUTION

HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

WHEREAS, in 1930 the first Cub Scout Pack in America was chartered as an integral part of the Boy Scouts of America program, a family oriented organization for young boys 8, 9 and 10 years of age; and

WHEREAS, February 8, 1980, marked the 50th anniversary of cub scouting in America, and it is now in its second half century of being “for the character development, citizenship, training, and physical fitness of boys”; and

WHEREAS, helping young boys to mature through helping others, the cub scouting program in Alabama alone consists of seven local councils with more than 1,000 packs and some 28,000 cub scouts who greatly benefit from the worthiness of purpose of this fine and commendable organization; and

WHEREAS, self-reliance, initiative, courage, resourcefulness and a keen respect for the rights of others are the admirable attributes instilled in our young future citizens by cub scouting in America and in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Cub Scout Program in America and express deep appre-

ciation to the organization for its admirable programs and dedicated pursuit of purpose.

BE IT FURTHER RESOLVED, That in warm praise and regard, we also congratulate the Cub Scout Program on its first half century of service with all good wishes for continued success and growth in the future.

RESOLVED FURTHER, That a copy of this resolution be dispatched to the Cub Scout National Headquarters in token of this body's respect, admiration and esteem.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-39

H.J.R. 41—Rep. Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

WHEREAS, the Alabama Legislature is pleased to note that James Alton Lecroy of Chilton County has been selected as the Alabama Petroleum Council's Trooper of the Year for 1980, a prestigious award bestowed annually for outstanding achievement as a law enforcement officer and for extraordinary community service as a citizen; and

WHEREAS, a native of Clanton, Alabama, and a graduate of Isabella High School, Trooper Lecroy worked for the Chilton County Road Department and for the Alabama Highway Department, and served two enlistments in the United States Navy, including heavy cruiser duty during the Korean Conflict, prior to joining the Alabama Department of Public Safety as a trooper in October 1963; and

WHEREAS, serving first in Marion County, followed by duty in Marengo and Dallas Counties, Trooper Lecroy has been in his present assignment in Chilton County, Montgomery Post, Troop "G", since January 1976; and

WHEREAS, throughout his career with the Department of Public Safety, Alton Lecroy's performance has been conscientiously dependable, his dedication unquestionable and his involvement total and consistent in serving the citizens of his assigned territory; and

WHEREAS, Trooper Lecroy also displays total involvement, dependability and dedication in activity within his community as

president of the Isabella P.T.A., as a volunteer fireman with the department he helped organize and as an actively participating member of the Mulberry Baptist Church; and

WHEREAS, Alton Lecroy has perhaps devoted the majority of his spare time to activities related to the young people in his community, most particularly the Clanton Youth Football and Baseball Leagues, firmly believing that involvement with sports helps to develop a strong sense of pride and personal accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as Trooper of the Year, a concerned citizen and one who also has been honored for outstanding achievement by a Mayor's Proclamation, we most highly praise and congratulate James Alton Lecroy of Chilton County, Alabama.

BE IT FURTHER RESOLVED, That Trooper Lecroy receive a copy of this resolution in token of appreciation and our high regard.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-40

H.J.R. 43—Rep. Grouby

HOUSE JOINT RESOLUTION

CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

WHEREAS, the Legislature of Alabama notes with utmost pride and pleasure that on January 24, 1981, the lovely Miss Kim Gilliland, representing Autauga County, was named Alabama's Junior Miss for 1981; and

WHEREAS, this beautiful, talented and charming young lady is an 18-year-old senior at Billingsley High School where she is a member of the Beta Club, Math Club, president of the Pep Club, a member and project leader of FHA, FFA Sweetheart, Miss Billingsley High School, president of the Senior Class, co-captain of the cheerleaders, and was named to Who's Who in American High Schools; and

WHEREAS, in addition to her many school-related and academic pursuits, Miss Gilliland's activities extend further to include active participation in the affairs and work of her church where she is a

member of the choir; she further enjoys hobbies which include biking, jogging, dancing, sewing and reading; and

WHEREAS, for her talent presentation, Kim Gilliland's performance consisted of a creative "buck-dancing" routine to a blue grass song and for which she made her own outfit; and

WHEREAS, Miss Gilliland, in addition to winning the crown, also placed first in the pageant's poise and appearance and youth fitness categories; she received, among other prizes, a tuition scholarship and a grant-in-aid which she may use in pursuit of a profession as a nurse anesthetist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Kim Gilliland and heartily congratulate her as Alabama's own Junior Miss for 1981, and thereby our state's lovely and talented representative in national competition.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Miss Gilliland, and to her parents, Mr. and Mrs. Joseph E. Gilliland of Billingsley, Alabama, as evidence of our warm praise and good wishes for every future success.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-41

H.J.R. 44—Rep. Minus

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Merrell Lolly Richmond of Pleasant Hill, Choctaw County, Alabama, on September 29, 1980; and

WHEREAS, Mrs. Richmond regrettable lost her life when she was struck and killed by a train in Eagleton, Arkansas, while walking with three young children, near a railroad intersection; and

WHEREAS, it is to be noted that Mrs. Merrell Richmond died as a result of her heroic actions in protecting the life of one of the young children in her care; and

WHEREAS, she and two of the youngsters became separated from young five-year-old Samuel Morefield, and Mrs. Richmond dashed across the tracks to prevent the child from crossing to her in front of an approaching train; and

WHEREAS, thus, in an act of uncommon courage, Mrs. Richmond did unhesitatingly risk her own life to save the life of another, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we deeply grieve in the death of Mrs. Merrell Lolly Richmond, we stand in tribute of her courage and in recognition of her ultimate sacrifice that a young child might live.

BE IT FURTHER RESOLVED, That we extend our most heartfelt sympathy to Mrs. Richmond's family and direct that they receive a copy of this resolution that they may know of our great admiration for a courageous lady who died in her attempt to save another's life.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-42

H.J.R. 45—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

WHEREAS, Mr. Aubrey D. Green, a member of the Alabama State Council on the Arts and Humanities since January 1, 1968, has further served said Council as its chairman during the period of July 1, 1976, to September 30, 1980; and

WHEREAS, he performed the duties and responsibilities of office faithfully and creatively at all times and his interest and service to the Alabama State Council on the Arts and Humanities remains constant; and

WHEREAS, a former member of the Alabama House of Representatives from the Fourteenth District, Pickens and Sumter Counties, Mr. Green has also served on the Board of Trustees of the University of South Alabama and is a past president of Lions International; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Aubrey D. Green for dedicated service to the Alabama State Council on the Arts and Humanities and for his

dedicated involvement in the civic, educational and governmental affairs of our state.

BE IT FURTHER RESOLVED, That Mr. Green receive a copy of this resolution evidencing our warm praise and regard.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-43

H.J.R. 47— Reps. Zoghby, Clark (W),
McCorquodale

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGHBY.

WHEREAS, it is with a sense of deep sorrow and regret that the Legislature of Alabama notes the death of Mr. George Kaleel Zoghby of Mobile, Alabama, on January 12, 1981, at the age of 87 years; and

WHEREAS, though a native of Lebanon, Mr. Zoghby, at the time of his death, had resided in Mobile since 1905, emigrating to the Port City from Beirut; he joined his father, Kaleel Zoghby, in the family business and was later the founder of Kaleel Zoghby and Sons Department Store in Prichard, Alabama, and

WHEREAS, George K. Zoghby was founder of Our Lady of Fatima Catholic Church, also in Prichard, and of the Holy Name Society of that parish; and

WHEREAS, he was a member of the Knights of Columbus, Woodmen of the World, the Red Cross Language Bank and the American Lebanese Club of Mobile, as well as numerous other civic, cultural and philanthropic organizations; and

WHEREAS, prompted by care and concern for others, Mr. Zoghby was always supportive of programs for the betterment of his community and fellow citizens; dedicated as to purpose, he was quietly effective and lavishly generous in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. George Kaleel Zoghby of Mobile, Alabama, prominent citizen, philanthropist and patriot.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his beloved wife, Mrs. Emma K. Zoghby, that she and their

children and other family members may know of our shared sorrow and concern in their great loss.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-44	H.J.R. 48— Reps. Sandusky, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McCorquodale, McMillan, Minus, Moore, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby
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HOUSE JOINT RESOLUTION

NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

WHEREAS, our highly respected colleague, Roy Walter Owens, has served in the Alabama Legislature for 15 years; and

WHEREAS, Walter Owens has diligently represented his constituents of Bibb County for four terms in the House of Representatives; and

WHEREAS, Representative Walter Owens has rendered great service to the state and its citizens as Chairman of the House Ways and Means Committee; and

WHEREAS, our friend Walter Owens was the one person most instrumental in providing for the planning development and construction of the Bibb County Lake, which is soon to be officially opened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude to our friend whom we have long admired and respected, this body hereby names and designates the lake now called Bibb County Lake as "The Walter Owens Lake."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain, appropriate signs and markers so designating said lake.

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Owens as a memento of this honorary designation.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-45

H.J.R. 51—Rep. Minus

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has grievously noted the untimely death of Mr. Tillman J. Wright of Butler, Alabama, on March 15, 1980, at the age of 55 years; and

WHEREAS, a native and lifelong resident of Choctaw County, Mr. Wright was first employed at the age of 15 by Butler Drug Company, a business he was later to own; he joined the United States Army during World War II, serving from 1943 until his 1946 discharge primarily in the European Theatre; and

WHEREAS, he then rejoined Butler Drug Company, greatly expanding its operation, and later became active in real estate and other businesses as well; and

WHEREAS, professionally, he was a member of the National Association of Retail Druggists and held membership in numerous other organizations including the American Legion, V.F.W., Lions Club, Chamber of Commerce, the Choctaw Country Club and the

Choctaw County Library; he also was a charter member of the Butler Jaycees and was an organizer of and member of the Board of the First National Bank of Butler; and

WHEREAS, in further service to his community and his native Choctaw County, Mr. Wright was a leader in promoting the location of mills in that county by both Vanity Fair and American Can and also promoted the establishment of Choctaw General Hospital; and

WHEREAS, his leadership extended further to include service as a volunteer fireman, membership on the Utilities Board and on the Butler Town Council for 22 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Butler and Choctaw County in mourning the death of Mr. Tillman J. Wright who, prominent in achievement and accomplishment, long served the needs of his community, and whose death has left a great void in the lives of those privileged to know him.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Olna Pope Wright, their son, Donald Thomas Wright, and other family members as evidence of our deeply shared sorrow in their great loss.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-46

H.J.R. 52—Rep. Minus

HOUSE JOINT RESOLUTION

RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

WHEREAS, the Ballet and Theatre Arts Performing Companies were organized in 1979 as an outgrowth of the work of the Ballet and Theatre Arts School, College Avenue, Gilbertown, Alabama; and

WHEREAS, during December of 1979, the Community Chorus of the companies performed for three consecutive nights in an impressive Christmas Cantata entitled, "The Love Story," which received extremely favorable comments and the praise of all who heard this remarkable performance; and

WHEREAS, preceding the Easter holiday in the Spring of 1980, the Community Chorus gave its second performance, this being an

Easter Cantata, entitled "Living Witnesses," which was equally well-received and was indeed an impressive production; and

WHEREAS, in the Spring, 1980, the whole ensemble consisting of the Chorus, as well as some of the student dancers and actors associated with the Performing Companies, performed selections from some of the greatest Broadway hits, concentrating particularly on "Oklahoma" which performance generated so much public attention that an extra Command Performance had to be given the following week; and

WHEREAS, it is the goal of the Ballet and Theatre Arts Performing Companies to become an ongoing part of the cultural and community life of Choctaw County and its surrounding area; and

WHEREAS, the Ballet and Theatre Arts Performing Companies and their excellent productions and activities have provided a new dimension in the social, cultural, intellectual, and spiritual lives of spectator and participant alike, in the Southwest Alabama area; and

WHEREAS, thus far there have been involved in the work of the Companies citizens from Choctaw, Clarke, Washington, and Marengo Counties in Alabama, and from Lauderdale and Wayne Counties in Mississippi; and

WHEREAS, the performance to date of the Performing Companies have been praised by experts in the fields of the performing arts; and

WHEREAS, the Legislature of the State of Alabama recognizes the favorable and uplifting accomplishments of the Ballet and Theatre Arts Performing Companies on an area of the Gulf Region that was heretofore denied the benefits of accessible dramatic arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the artistic and educational endeavors of the Ballet and Theatre Arts Performing Companies should touch the lives of the greatest number of people so that no person with an interest in the arts is denied the opportunity to have local access to cultural events of the highest caliber.

BE IT FURTHER RESOLVED, That in recognition of its initiative and professional dedication in bringing light and joy where none was present before, it is hereby directed that state agencies with responsibility for instruction and performance of the dramatic arts cooperate to the fullest extent with Ballet and Theatre Arts Performing Companies to bring even greater opportunities for instruction and performance of the dramatic arts to the people of the Gulf Region.

Approved February 17, 1981

Time: 8:30 A.M.

Act No. 81-47

H.J.R. 38— Reps. Johnson (Roy), McKee

HOUSE JOINT RESOLUTION

DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, the Judicial Compensation Commission has rendered its report to the 1981 Regular Session of the Legislature; and

WHEREAS, the State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, it is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees and teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1981, and the recommendations contained therein, are hereby denied.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-48

H.J.R. 50— Reps. Ford, Drinkard

HOUSE JOINT RESOLUTION

DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced by traditions that have become a part of our way of life and the customs of the American people; and

WHEREAS, we have distinctive and meaningful symbols of our ideals in our state's flag and in many cultural endeavors, but no official designation of a State Folk Dance; and

WHEREAS, the Square Dance, which was first associated with

the American people and recorded in history since 1651, has consistently been the one dance recognized by the American people as a dignified and enjoyable expression of American folk dancing; and

WHEREAS, official recognition of the Square Dance will enhance the cultural stature of Alabama both nationally and internationally; and

WHEREAS, national and international prestige is in the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dance known as the Square Dance is designated the American Folk Dance of the State of Alabama.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-49

H.J.R. 55— Reps. Ford, Drinkard, Harvey,
Adams (B)

HOUSE JOINT RESOLUTION

NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

WHEREAS, a native of Attalla in Etowah County, Alabama, Clarence F. Rhea is a graduate of the University of Alabama with a B.S. Degree awarded in 1943 and of the University of Virginia with an LL.B. Degree in 1948; and

WHEREAS, he was admitted to the Alabama Bar, also in 1948, and is the senior partner in the firm of Rhea, Boyd and Rhea; he is a member and past president of the Etowah County Bar Association, a member of the Alabama and American Bar Associations, Alabama Trial Lawyers Association and the Association of Trial Lawyers; and

WHEREAS, a member of the First United Methodist Church, Mr. Rhea also is a former District Lay Leader for the Gadsden District and is presently Conference Lay Leader of North Alabama Conference United Methodist Church; he is a Mason and a Shriner, member and past president of the Gadsden Civitan Club, a member of the Board of Directors of the Boys' Club of Etowah County and the United

Givers Fund, serves on the Salvation Army Advisory Board, and is Chairman of the Heritage and Preservation Commission of Gadsden and Etowah Counties; and

WHEREAS, Clarence Rhea served for five years on active military duty, including service in Germany during World War II, and with the 31st "Dixie Division" during the Korean Conflict; he attained the rank of Brigadier General in the Alabama National Guard in 1975 and was serving as Commander of the 31st Armored Brigade at the time of his retirement from the Alabama Guard in 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Army National Guard Armory, located at the intersection of Airport and Steel Station Roads in Gadsden, Etowah County, Alabama, the "Clarence F. Rhea Armory."

BE IT FURTHER RESOLVED, That the Armory Commission is hereby directed to cause appropriate signs and markers to be erected and maintained in so designating said National Guard Armory.

RESOLVED FURTHER, That General Rhea receive a copy of this resolution as a memento of this honorary designation in appreciation of both his long and honorable military service and active involvement in his community's affairs.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-50

H.J.R. 58—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 2:00 p.m. on Tuesday, February 17, 1981, for the purpose of hearing the presentation by the Governor and his consultants on the Retirement Systems of Alabama.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-51

H.J.R. 60—Reps. Stout, Rains

HOUSE JOINT RESOLUTION

COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

WHEREAS, it is with deep pride and pleasure that the Alabama Legislature commends the "Alabama Band" for its success nationally in the field of country music; and

WHEREAS, the members of the group, Messrs. Randy Owens, Jeff Cook and Teddy Gentry, all natives of DeKalb County, Alabama, and Mr. Mark Herndon have brought considerable favorable attention to the State of Alabama; and

WHEREAS, the "Alabama Band" has recorded several hit records including, "My Home's In Alabama," "Tennessee River," and others which reflect on the group's background in the state; and

WHEREAS, the "Alabama Band" has appeared on many national television shows such as "The Tom Snyder Show," "The Country Music Awards" annual telecast, "Dustin City Limits" on the Public Broadcast System, and many others; and

WHEREAS, the excellent and public acceptance of the group has been illustrated by the Country Music Awards nomination of the group in 1980 as "Vocal Group of the Year" and "Instrumental Group of the Year";

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we both highly commend and heartily congratulate the "Alabama Band" on its success, and we request their appearance and performance before an informal gathering of the members of the Legislature at the convenience of the band and furthermore direct that each member of the band receive a copy of this resolution.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-52

H.J.R. 64— Cobb, McCorquodale, Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett, Biddle,
Blake, Boles, Bowling, Brakefield,
Buskey, Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Clark (G), Clark (W),
Coburn, Cooley, Cosby, Crow,

Daniels, Dial, Dixon, Drinkard,
 Edwards, Escott, Ford, Gafford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O), Harper (T),
 Harrison, Harvey, Hines, Holley,
 Holmes, Horn, Howard, Jackson,
 Johnson (R. G.), Johnson (Roy),
 Kelley, Kennedy, Laird, Langford,
 Lewis, Letson, McKee, McMillan,
 Manley, Minus, Mitchell, Moore,
 Naramore, Nevett, Olive, Owens,
 Parker, Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. RANKIN FITE,
 FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.**

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Mr. Rankin Fite of Hamilton, Marion County, Alabama, on November 6, 1980, at the age of 64; and

WHEREAS, our former colleague and a close personal friend of many in this body, Rankin Fite was a member of the Alabama Legislature for almost a quarter of a century, first elected in 1946 and serving continuously, with the exception of one term, until 1974; and

WHEREAS, Mr. Fite was the only legislator in Alabama history to have served two complete terms as Speaker of the House; he also served, during his long tenure, for one term as Speaker Pro Tem, for one term in the Alabama Senate and had been named, during his legislative career, as "most outstanding freshman Senator" and "most effective member of the House of Representatives"; and

WHEREAS, noted for his oratory, Mr. Fite was also outstandingly skilled in parliamentary procedure; exceptionally talented and

extraordinary in achievement, he served his constituency and the State of Alabama with dedicated devotion and zeal; and

WHEREAS, Mr. Fite, who was an attorney by profession, was also a bank director in Marion County, a two-term member of the State Board of Education and a former member of the Alabama Oil and Gas Board; he further served as secretary of the Northwest Alabama Gas District, and for some fifteen years on the Tennessee-Tombigbee Waterway Board and as its chairman in 1963; and

WHEREAS, he graduated from the Starke University Preparatory School in Montgomery and was a graduate of the University of Alabama School of Commerce and of the University's School of Law; he was a United States Army veteran who flew 42 combat missions as a navigator during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our friend and former colleague, Rankin Fite, and we extend our most heartfelt sympathy to all members of his family

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Alene Morris Fite, to their son, Earnest Adams Fite, and other family members that they may know of our shared sorrow in the loss of one of our state's most prominent citizens.

Approved February 18, 1981

Time: 9:00 A.M.

Act No. 81-53

S.J.R. 45—Mr. Barron

SENATE JOINT RESOLUTION

COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

WHEREAS, in merited commendation and in gratitude, the Legislature of Alabama today pays tribute to The Honorable Joe Foss, former state representative and Governor of his native South Dakota; and

WHEREAS, a graduate of the University of South Dakota with a B.S. Degree awarded in 1940, Governor Foss also holds an honorary Sc.D. Degree from Sioux Falls College and honorary LL.D. Degrees from Yankton, Black Hills State and Northern State Colleges in South Dakota; and

WHEREAS, now a noted lecturer and author, Joe Foss also is a director of Advertising Unlimited, Incorporated, and of Clark/Bardes Organization, Incorporated; he served as Commissioner of the American Football League from 1959 until 1966, was the star of a weekly television series, "The Outdoorsman – Joe Foss," from 1967 to 1974 and, in 1964 and 1965, hosted ABC's "American Sportsman" weekly television show; and

WHEREAS, Mr. Foss is perhaps most distinguished through military service and as the recipient of the Distinguished Flying Cross and of our nation's highest military decoration, the Congressional Medal of Honor; serving as a Major in the United States Marine Corps during World War II, Joe Foss was one of our most prominent heroes in shooting down 26 enemy planes, the first pilot to do so since Eddie Rickenbacker; and

WHEREAS, he further distinguished himself through service during the Korean Conflict as a Colonel in the United States Air Force, and as a Brigadier General and Chief of Staff, Retired, of the South Dakota Air National Guard; and

WHEREAS, few Americans are called to serve who do so with such distinction as has General Joe Foss of South Dakota; his patriotism has known no bounds, and his service to his beloved home state of South Dakota and to our great nation is also unlimited in scope; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend General Joe Foss, Congressional Medal of Honor winner, former Governor of the State of South Dakota and a truly great American.

BE IT FURTHER RESOLVED, That Governor Foss be presented with a copy of this resolution in token of our praise, appreciation and high regard.

Approved February 18, 1981

Time: 11:25 A.M.

Act No. 81-54

S. 193—Mr. St. John

AN ACT

To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the

period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons who have received provisional appointments as Capitol Security Police Officers in the Department of Finance between June 13, 1979, and July 23, 1980, inclusive, who have performed their duties satisfactorily as to their habits and dependability during the period of their employment, hereby are given permanent status in the classified service under the Merit System Act as Capitol Security Police Officers.

Section 2. Notwithstanding anything in Section 1 of this Act to the contrary, however, the director of finance may condition any appointment to permanent status in the classified service made pursuant to this Act upon the satisfactory completion of a working test period of six months. Furthermore, the director of finance may make the appointment of any person to permanent status as a Capitol Security Police Officer pursuant to this Act take effect immediately after such person has satisfactorily completed a working test period of six months.

Section 3. All Acts that are in conflict with this Act are hereby repealed. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws inconsistent herewith.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved February 19, 1981

Time: 2:30 P.M.

Act No. 81-55

AN ACT

H. 109—Rep. Campbell

Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Levy.—In addition to all other taxes and licenses imposed by law, there is hereby levied a privilege or excise tax on every person licensed as a wholesaler under the provisions of § 28-3A-9, Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, to any person, firm, corporation, club or association within Calhoun County any beer. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of beer within Calhoun County, and shall be in an amount equal to one-fourth of one cent (1/4¢) each fluid ounce or fractional part thereof.

(b) Collection.—The tax levied by subsection (a) of this section shall be added to the sales price of all beer sold, and shall be collected from the purchasers. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the county for the collection and payment of tax.

The tax levied by subsection (a) of this section shall be collected by a return which shall be filed by the wholesaler with the Calhoun County Probate Judge postmarked not later than the 15th day of the month following the month during which the beer is (1) received, if the wholesaler warehouses beer in Calhoun County, or (2) sold, if the wholesaler does not warehouse beer in Calhoun County; which return shall be accompanied by the remittance of the tax due; provided, that the wholesaler shall not be required to pay the tax on any beer which he sells outside of Calhoun County; provided, further, that the wholesaler shall be given credit for tax paid on any beer sold outside of Calhoun County during a previous reporting period.

Said return shall set out the quantity of beer received and sold in Calhoun County during the preceding month and the tax due thereon. Also submitted with said return shall be a copy of any schedule or invoice of beer received from the manufacturer during the preceding month. The tax return and schedule of receipts from the manufacturer shall be filed on the same forms as those furnished or approved by the Alabama Alcoholic Beverage Control Board for the payment of tax required under § 28-3-184, Code of Alabama 1975, as amended, and applicable regulations of the board.

Each wholesaler must maintain records at his place of business which reflect the following:

- (i) The quantity of beer purchased or received each month by

number of cases with number of containers per case and ounces per container, the manufacturer's invoice number and date received.

(ii) The quantity of beer sold each month by the number of cases, number of containers per case and ounces per container, the selling price, date of sale, to whom sold and county where sold.

(iii) The quantity of beer on hand at the beginning of each month, and the amount of beer on hand at the end of each month.

The Calhoun County Probate Judge or his designated agent shall have the authority to examine the books and records of any wholesaler, firm, corporation, club or association who sells, stores or receives for the purpose of distribution, any beer, to determine the accuracy of any return required to be filed with the Probate Judge.

Section 2. Disposition of Proceeds.—The license tax paid by this Act shall be paid to the Calhoun County Probate Judge and shall be turned over by it to the custodian of county school funds. The county board of education shall immediately divide the funds with the city boards of education within the county pro rata in the same manner as the public school funds from the state are apportioned in said county under the minimum program fund law.

Section 3. Penalties.—(a) Every wholesaler licensee collecting on beer levied by this Act shall timely pay the same to the Calhoun County Probate Judge as provided in this Act.

(b) If any taxes or penalties imposed by this article remain due and unpaid for a period of 10 days, the Calhoun County Probate Judge shall issue a warrant or execution directed to any sheriff of the State of Alabama, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of executing the warrant, and to return such warrant to the Calhoun County Probate Judge and pay to it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the clerk of the circuit court of his county a copy thereof and thereupon the clerk of the circuit court shall enter in his abstract of judgments the name of the taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and costs for which the warrant is issued and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a court of record and shall be entitled to the same fees for services in executing the warrant to be collected in the same manner. He shall make return of such execution to the Calhoun County Probate Judge within 30 days of

issuance thereof. The taxes and penalties imposed by this Act shall be deemed a debt owing to the county by the party against whom the same shall be charged and shall be a preferred lien on all property of the party against whom the same shall be charged.

Section 4. Definitions.—Words or phrases whenever they appear in this Act, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in Act No. 80-529, Acts of Alabama 1980 (now appearing as § 28-3A-2, Code of Alabama 1975, as amended).

Section 5. Repealer.—All laws or parts of laws which conflict or are inconsistent with this Act are hereby repealed. Without limiting the generality of the foregoing, the following laws are specifically repealed:

Act 833, H. 1498 Regular Session 1961 (Acts 1961, p. 1229)

Act 142, H. 123 Regular Session 1971 (Acts 1971, p. 223)

Section 6. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1981

Time: 2:45 P.M.

Act No. 81-56

S.J.R. 37—Mr. Barron

SENATE JOINT RESOLUTION

INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has learned of the impending visit to the State of Alabama of The Honorable Joe Foss, former Governor of the State of South Dakota and Brigadier General and Chief of Staff (Retired) of the South Dakota Air National Guard; and

WHEREAS, we are most highly honored by Governor Foss' visit to our state and further are most pleased that his stay in Alabama occurs during this 1981 Session of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request The Honorable Joe Foss, a distinguished South Dakota citizen and recipient of the Congressional Medal of Honor,

to address a Joint Session of the Alabama Legislature on February 19, 1981.

BE IT FURTHER RESOLVED, That by copy of this resolution, Governor Foss be advised of our cordial invitation and that we eagerly anticipate his acceptance.

Approved February 20, 1981

Time: 2:30 P.M.

Act No. 81-57

S.J.R. 38—Messrs. Little and
Higginbotham

SENATE JOINT RESOLUTION

HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.

WHEREAS, the Legislature of Alabama has noted the September 30, 1980, retirement of Chambers County Tax Collector Tyre C. Weaver, Jr., following a long and distinguished career in public service; and

WHEREAS, following his first election, Mr. Weaver was decisively returned to office, time and time again, to serve prestigiously in said capacity for some 31 years until his recent retirement for reasons of ill health; and

WHEREAS, in further service to the citizens of Chambers County, Tyre Weaver has been chairman of the Salvation Army for 25 years and co-chairman of the Chambers County Chapter of the American Cancer Society for more than two decades; he also is a past president of both the Rotary and Kiwanis Clubs and has been associated with 4-H Clubs and Future Farmers of America as well as the LaFayette Quarterback Club; and

WHEREAS, he is a United States Army veteran, distinguished through valor and sacrifice, having lost an arm when he was shot while on a bombing mission over Germany during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend deep appreciation to Mr. Tyre C. Weaver, Jr., for outstanding service as Chambers County Tax Collector for thirty-one years; in further commendation we also note his long and honorable record of community

service to the citizens of Chambers County and direct that he receive a copy of this resolution as evidence of our high regard.

Approved February 20, 1981

Time: 2:30 P.M.

Act No. 81-58

S.J.R. 42—Messrs. Mitchem,
Lemaster and Smith

SENATE JOINT RESOLUTION

REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T.V.A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

WHEREAS, all Americans are concerned about the rising costs of imported petroleum products; and

WHEREAS, there is a great and pressing need to achieve national energy goals thereby reducing our dependence on foreign oil supplies; and

WHEREAS, our nation has available a fuel source, "coal," that is derived from America's own natural and human resources; and

WHEREAS, environmental and economically accepted methods need to be developed by the construction of a commercial size facility for the conversion of coal to energy alternatives; and

WHEREAS, without question a market and demand for said energy alternative is readily available and can be made available at a competitive price with other energy resources for consumption; and

WHEREAS, it is in the best interest of our national defense to develop a viable energy alternative that is dependable, safe and completely independent of foreign domination; and

WHEREAS, through the development of this alternative energy source, our deficit in foreign trade can be reduced by millions of dollars, which sums can remain in the hands of the working people of America, where it should be; and

WHEREAS, a great amount of planning and studies has been undertaken by the Tennessee Valley Authority with respect to coal gasification and the construction of a facility to process the same and T.V.A. has expressed its intention to construct such a facility at

Murphy Hill, Alabama, provided funding is allocated by the Federal Government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request our most distinguished Congressional Delegation to vigorously support the funding and construction of the T.V.A. coal gasification plant at Murphy Hill, Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved February 20, 1981

Time: 2:30 P.M.

Act No. 81-59

S.J.R. 43—Mr. Figures

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE ALABAMA.

WHEREAS, the legislature of Alabama has been deeply shocked and saddened by the tragic death of Mr. John Walter Bumpers, Jr., on February 9, 1981, at the age of 42 years; and

WHEREAS, John Walter Bumpers, Jr., was accidentally killed on Interstate 65 near Springhill Avenue when he was struck by a passing motorist, thus ending a life that had been marked with great accomplishments and contributions to his community; and

WHEREAS, Mr. Bumpers was a graduate of Alabama State University, and a teacher and basketball coach in the public school system for the past 19½ years; and

WHEREAS, in such capacity he taught and coached State Senator Michael A. Figures in basketball in 1964 and 1965 at Hillsdale High School; and

WHEREAS, Coach Bumpers was a classmate and teammate of State Representative William Clark at Mobile County Training School from which they graduated in 1957; and

WHEREAS, Coach Bumpers was a life long member of Goodwill Baptist Church in Prichard, Alabama; and

WHEREAS, Coach Bumpers, who lived in the Trinity Gardens section of Mobile is survived by his wife, Carolyn, three children, Juan,

Charrisse, John Walter Bumpers, III and his father, John Walter Bumpers.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF, CONCURRING, that we grievously mourn the death of Mr. John Walter Bumpers, Jr., of Mobile, Alabama, and express our deepest sympathy to all his family.

BE IT FURTHER RESOLVED, that in evidence of our shared sorrow, a copy of this resolution be sent to Mrs. Bumpers and other family members so that they will know of our deep respect and regard for this outstanding citizen of our community.

Approved February 20, 1981

Time: 2:30 P.M.

Act No. 81-60

S.J.R. 44—Mr. Barron

SENATE JOINT RESOLUTION

SETTING THE TIME AND DATE FOR AN ADDRESS BY THE HONORABLE JOE FOSS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 1:00 p.m. on Thursday, February 19, 1981, for the purpose of hearing the presentation of The Honorable Joe Foss, distinguished citizen of the State of South Dakota and recipient of the Congressional Medal of Honor.

Approved February 20, 1981

Time: 2:30 P.M.

Act No. 81-61

H. 69— Reps. Pegues, Manley, Cosby,
Hammett, Dial, Whatley

AN ACT

To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that

the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended are hereby amended to read as follows:

§ 41-20-1.

This chapter shall be known as the "Alabama Sunset Law of 1981."

§ 41-20-2.

As used in this chapter, unless the context requires a different meaning, the following words shall be defined as follows:

(1) **ENUMERATED AGENCY.** All departments, councils, boards, commissions, divisions, bureaus or like governmental units or subunits of the state of Alabama which are enumerated herein.

(2) **NON-ENUMERATED AGENCY.** All departments, councils, boards, commissions, divisions, bureaus or like governmental units of the state of Alabama which are not enumerated herein.

(3) **CONTINUANCE.** Such term, or any derivative thereof, shall mean continuance as presently in existence or as modified or reestablished by recommended legislation.

(4) **PERFORMANCE AUDIT.** The same as operational audit.

(5) **SUNSET BILL.** Any bill introduced pursuant to § 41-20-4(d) of this act.

(6) **TERMINATION.** The end, abolishment or annulment of any agency or the act of causing the existence to cease.

§ 41-20-3.

(a) The following agencies shall automatically terminate on the

dates specified, unless a bill is passed that they be continued, modified or reestablished:

- (1) October 1, 1981 shall be the termination date for:
 - a. State board of auctioneers — created by section 34-4-50.
 - b. Alabama board of cosmetology — created by section 34-7-40.
 - c. Boxing and wrestling commission — created by section 41-9-90.
 - d. Examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree-surgeons — created by section 2-28-2.
 - e. Alabama board of funeral services — created by section 34-13-20.
 - f. State pilotage commission — created by section 33-4-1.
 - g. State polygraphic examiners board — created by section 34-25-4.
 - h. State board of examiners for speech pathology and audiology — created by section 34-28A-40.
 - i. State board of veterinary medical examiners — created by section 34-29-20.
 - j. Alabama real estate commission — created by section 34-27-7.
 - k. Board of bar examiners — created by section 34-3-2.
 - l. Board of registration for sanitarians — created by section 34-28-20.
 - m. Board of examiners of mine personnel — created by section 25-9-9.
 - n. Board of Social Worker Examiners — created by section 34-20-50.
 - o. State Agency for Social Security and State Social Security Advisory Board — created by section 36-28-1.
- (2) October 1, 1982, shall be the termination date for:
 - a. State Board of Barber Examiners — created by section 34-5-13.
 - b. Board for registration of architects — created by section 34-2-20.

- c. Board of examiners of landscape architects – created by section 34-17-2.
- d. Alabama state board of public accountancy – created by section 34-1-3.
- e. State board of registration for foresters – created by section 34-12-30.
- f. State board for registration of professional engineers and land surveyors – created by section 34-11-30.
- g. State licensing board for general contractors – created by section 34-8-20.
- h. State board of chiropractic examiners – created by section 34-24-140.
- i. Alabama firefighters' personnel standards and education commission – created by section 36-32-2.
- j. Board of hearing aid dealers – created by section 34-14-30.
- k. Board of optometry – created by section 34-22-40.
- l. Alabama peace officers' standards and training commission – created by section 36-21-41.
- m. Board of physical therapy – created by section 34-24-192.
- n. Board of plumbing examiners – created by section 40-12-145.
- o. Board of examiners in psychology – created by section 34-26-20.
- p. State board of heating, air conditioning, roofing and sheet metal contractors – created by section 34-31-2.
- q. Alabama Dairy Commission – created by section 2-13-40.
- r. Board of medical technicians examiners – created by section 34-18-40.
- s. Board of dental examiners – created by section 34-9-40.
- t. Board of nursing – created by section 34-21-2.
- u. State Board of examiners of nursing home administrators – created by section 34-20-4.
- v. State board of pharmacy – created by section 34-23-90.
- w. State board of podiatry – created by section 34-24-250.
- x. State Athletic Commission – created by Act 80-121 (section 41-9-90).

(3) October 1, 1983 and every fourth year thereafter shall be the termination date for:

- a. Board for registration of architects — created by section 34-2-20.
- b. Board of examiners of landscape architects — created by section 34-17-2.
- c. Licensing board for general contractors — created by section 34-8-20.
- d. State board of registration for professional engineers and land surveyors — created by section 34-11-30.
- e. Alabama Coastal Area Board — created by section 9-7-14.
- f. Board of bar examiners — created by section 34-3-2.
- g. State polygraph examiners board—created by section 34-25-4.

(4) October 1, 1984 and every fourth year thereafter shall be the termination date for:

- a. Alabama state board of social work examiners — created by section 34-30-50.
- b. Alabama board of examiners in psychology — created by section 34-26-20.
- c. Alabama state board of public accountancy — created by section 34-1-3.
- d. Alabama board of cosmetology — created by section 34-7-40.
- e. Alabama board of funeral service — created by section 34-13-20.
- f. Alabama real estate commission — created by section 34-27-7.
- g. Alabama alcoholic beverage control board — created by section 28-3-40.
- h. Insurance department — created by section 27-2-1.
- i. Securities commission — created by section 8-6-50.
- j. Board of pilotage commissioners — created by section 33-4-1.
- k. Public Service Commission — created by section 37-1-1.
- l. Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board — created by section 2-28-2.

m. State board of heating, air conditioning, roofing and sheet metal contractors — created by section 34-31-2.

n. Board of examiners of mine personnel — created by section 25-9-9.

o. Plumbing examiners, board — created by section 40-12-145.

p. Liquified petroleum gas board — created by section 9-17-101.

q. State board of auctioneers — created by section 34-4-50.

(5) October 1, 1985 and every fourth year thereafter shall be the termination date for:

a. Alabama board of examiners for speech pathology and audiology — created by section 34-28A-40.

b. Alabama board of nursing — created by section 34-21-2.

c. Alabama state board of chiropractic examiners — created by section 34-24-140.

d. Alabama state board of veterinary medical examiners — created by section 34-29-20.

e. Board of examiners of nursing home administrators — created by section 34-20-4.

f. Board of physical therapy — created by section 34-24-192.

g. State licensing board for the healing arts — created by section 34-24-1.

h. Alabama board of hearing aid dealers — created by section 34-14-30.

i. Board of examiners of audiologists — created by section 34-28A-40.

j. Dental examiners board — created by section 34-9-40.

k. Medical examiners board — created by section 34-24-53.

l. Board of medical technicians examiners — created by section 34-18-40.

m. Optometry licensing board — created by section 34-22-40.

n. Board of pharmacy — created by section 34-23-90.

o. State board of Podiatry — created by section 34-24-250.

(6) October 1, 1986 and every fourth year thereafter shall be the termination date for:

a. Alabama water well standards board — created by section 22-24-3.

b. Board of certification for water and waste water systems personnel — created by section 22-25-3.

c. Board of registration for sanitarians — created by section 34-28-20.

d. Surface mining reclamation commission — created by section 9-16-33.

e. Oil and gas board — created by section 9-17-3.

f. Alabama state board of registration of foresters — created by section 34-12-30.

g. Alabama dairy commission — created by section 2-13-42.

h. State Radiation Control Agency — created by section 22-14-4.

i. Water Improvement Commission — created by section 22-22-3.

j. Air Pollution Control Commission — created by section 22-28-5.

(b) Any law to the contrary notwithstanding, nothing in this chapter shall be construed to limit the joint committee's right to call any enumerated agency for review at a date earlier than specified in this section; nor shall the committee be limited to making recommendations for termination only or continuance only.

(c) The Sunset Committee shall have the authority to review any enumerated or non-enumerated agency and shall make recommendations for continuance, termination or modification. Any non-enumerated agency reviewed shall continue unless a bill is passed and becomes law to terminate or modify the agency.

(d) Either house may pass a resolution instructing the sunset committee to review an enumerated or non-enumerated agency. After passage of said resolution, the sunset committee shall review such agency and report its findings as provided for in § 41-20-4(d).

§ 41-20-4.

(a) A select joint committee, known as the sunset committee, shall be constituted as follows:

(b) Three members of the house and three members of the senate shall be elected in the same manner as the elected members of the legislative council by the respective houses: two from the Alabama senate and two from the Alabama house of representatives shall be appointed by the presiding officer of said elected bodies; and the

president pro tempore of the senate and the speaker pro tem of the house of representatives. The chairman shall be elected from among the members of the committee, alternating annually between a house member and a senate member. Any vacancy in the Sunset Committee shall be filled through appointment by the presiding officer of the elected body having the vacancy.

(c) Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this chapter and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this chapter.

(d) The committee shall submit its report and any accompanying legislation to the offices of the speaker and the president for distribution to legislators and the governor on or before the first legislative day of the ensuing regular legislative session.

(e) The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business.

§ 41-20-5.

Legislative committee review of the enumerated agencies shall begin in the year prior to the scheduled regular legislative session next preceding the date upon which the enumerated agencies are scheduled to terminate pursuant to section 41-20-3, and shall conclude with a recommendation for continuation, modification or termination on or before the first legislative day immediately following said review.

§ 41-20-6.

(a) The Sunset Committee reviewing enumerated or non-enumerated agencies, shall hold public hearings and receive testimony from the public and all interested parties.

(b) All enumerated or non-enumerated agencies shall bear the burden of establishing that sufficient public need is present which justifies their continued existence.

(c) All enumerated or non-enumerated agencies shall provide the reviewing and evaluating committee with the following information:

(1) The identity of all agencies under the direct or advisory control of the agency under review;

(2) All powers, duties and functions currently performed by the agency under review;

(3) All constitutional, statutory or other authority under which said powers, duties and functions of the agency are carried out;

(4) Any powers, duties or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state, including the manner in which and the extent to which this duplication of efforts is occurring and any recommendations as to eliminating the duplication;

(5) Any powers, duties or functions which, in the opinion of the agency under review, is inconsistent with current and projected public needs and which should be terminated or altered; and

(6) Any other information which the reviewing committee, in its discretion, feels is necessary and proper in carrying out its review and evaluative duties.

§ 41-20-7.

In said public hearings, the determination as to whether a sufficient public need for continuance is present shall take into consideration the following factors concerning the enumerated or non-enumerated agency under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committee pursuant to section 41-20-6 has been omitted, misstated or refused and the extent to which conclusions reasonably drawn from said information is adverse to the legislative intent inherent in the powers, duties and functions as established in the enabling legislation creating said agency or is inconsistent with present or projected public demands or needs;

(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefiting the agency;

(3) The extent to which operation has been efficient and responsive to public needs;

(4) The extent to which it has been encouraged that persons regulated, report to the agency concerning the impact of rules and decisions regarding improved service, economy of service or availability of service to the public;

(5) The extent to which the public has been encouraged to participate in rule and decision making as opposed to participation solely by persons regulated;

(6) The extent to which complaints have been expeditiously processed to completion in the public interest;

(7) The extent to which the division, agency or board has permitted qualified applicants to serve the public;

(8) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates; and

(9) Any other relevant criteria which the reviewing committee, in its discretion, deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective agency.

§ 41-20-8.

(a) In conjunction with the criteria enumerated in section 41-20-7, one criterion which may be used in determining sufficient public need in such public hearings shall be a "zero-based review and evaluation." A "zero-based review and evaluation" shall be a comprehensive review and evaluation to determine if the merits of the agency support continuation rather than termination and reach a finding as to what amounts of funding, if any, shall be authorized to produce correspondingly greater or lesser levels of responsibility and service output. Such a procedure shall necessitate the review and evaluation of all powers, duties and functions which currently are exercised by the agency as well as any request for additions to said powers, duties or functions when reviewing the sufficient public need of the agency.

(b) Said "zero-based review and evaluation" shall include, but not be limited to, the following factors:

(1) An identification of other agencies having the same or similar objective, along with a comparison of the cost and effectiveness of said agencies, and any duplication of the agency under review;

(2) An identification of any agency which has not received and expended state tax dollar revenues within a period of two years prior to said hearings;

(3) An examination of the extent to which the objectives of the agency have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between projected and actual performance;

(4) A specification, to the extent feasible, in quantitative terms of the objectives of said agency for the next four years; and

(5) An examination of the impact of said agency on the economy of the state.

§ 41-20-9.

The department of examiners of public accounts, the legislative reference service and the legislative fiscal office of the state shall furnish, upon request of the reviewing and evaluating committee, any relevant information including the results of prior audits and reviews of any agency under review.

§ 41-20-10.

(a) On the tenth legislative day of the regular session, one hour after the convening of the house of which the chairman of the select joint committee of the sunset committee is a member, voting in that house on sunset bills not previously considered during this regular session shall commence and thereafter continue as the first order of business, from day to day, until voting on all the bills with respect to each enumerated or non-enumerated agency is completed.

(b) On the fifth legislative day after passage of a bill (s) passed pursuant to § 41-20-10 (a), one hour after convening of the house of which the chairman of the select joint committee of the sunset committee is not a member, voting in that house on said Sunset bill (s) not previously considered during this regular session shall commence and thereafter continue as the first order of business, from day to day, until voting on said bill (s) is completed. Provided, however, that either house may, by a 3/5 vote of those members present and voting, consider other business before that house.

(c) (1) If a committee considering Sunset legislation recommending modification shall fail to report a Sunset bill within the time prescribed in subsection (a) or (b) the bill then a substitute bill specifying only continuance concerning the status of the state agency shall be referred to the considering legislative body as a committee of the whole on the legislative day preceding the legislative day of prescribed reporting, there to be acted on by the legislature as a committee of the whole.

(2) Debate on a Sunset bill being acted upon by the Legislature as a committee of the whole shall be limited to one hour and must be continuous and uninterrupted. Thereafter a recorded vote must be taken at the expiration of said debate.

(3) An additional one hour of debate, beyond the time permitted in Subsection (c) (2), may be permitted by a vote of two-thirds of those voting. Such additional period of debate may not be allowed more than one time per bill and must be continuous and uninterrupted. Thereafter a recorded vote must be taken at the expiration of said debate.

(d) Debate on the termination, or continuance of any enumerated or non-enumerated agency shall not continue beyond the period of one hour from the start of the debate on each bill and a recorded vote must be taken at the expiration of said debate. "Debate" as used in this section shall mean one hour total time allocated for discussion on each agency considered. At the end of this one hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory for the presiding officer of the house considering the bill to call for a recorded vote with respect to the agency in question.

(e) An additional one hour for debate on termination or continuation of said agency, beyond the time permitted in subsection (d), may be permitted by a vote of two-thirds of those voting. Such additional period of debate may not be allowed more than one time per bill and must be continuous and uninterrupted. Thereafter a recorded vote must be taken at the expiration of said debate.

(f) A Sunset bill which terminates or continues an agency and is passed by the originating House, amended by the second House and returned to the originating House shall be allowed one hour of debate upon return to the originating House. Such debate must be continuous and uninterrupted. Thereafter a recorded vote must be taken at the expiration of said debate.

(g) An additional one hour for debate on termination or continuation of said agency, beyond the time permitted in subsection (f), may be permitted by a vote of two-thirds of those voting. Such additional period of debate may not be allowed more than one time per bill and must be continuous and uninterrupted. Thereafter a recorded vote must be taken at the expiration of said debate.

(h) The debate limitations established under this section relate only to those bills that either continue or terminate an agency.

§ 40-20-11.

No more than one enumerated or non-enumerated agency shall be continued, modified or reestablished in any one bill for an act as provided for in section 41-20-4, and such agency shall be mentioned in title as provided by law.

§ 41-20-12.

Any enumerated agency which is terminated shall cease its affairs on the date specified in section 41-20-3. Any non-enumerated agency shall cease its affairs on the date specified in the bill terminating said agency. From the date of sine die of the regular legislative session, immediately preceding the date of termination, any enumerated

agency terminated pursuant to section 41-20-3 shall exercise no functions or powers except to administratively wind up its affairs. Any non-enumerated agency, which has been terminated, shall exercise no functions or powers except to administratively wind up its affairs, after the date provided for in the bill terminating such agency. Upon the termination date such enumerated or non-enumerated agency its personnel position shall be abolished with all unexpended funds reverting back to the state fund from which its appropriation was made unless otherwise provided by law. Any license issued by any agency, which has an expiration date after the agency's date of termination, shall expire on the effective date of the agency's abolishment. Any penalties for engaging in any profession or activity without being licensed therefor shall not be enforceable with respect to activities occurring after an enumerated or non-enumerated agency has ceased its functions pursuant to this chapter.

§ 41-20-13.

§ 41-20-14.

(a) This chapter shall not cause the dismissal of any claim or right of any citizen which is subject to administrative hearing or litigation against any state agency terminated pursuant to the provisions of this chapter.

(b) The state comptroller is authorized to draw warrants on the state treasury for any outstanding accounts which are legally owed but unsettled by any agency which has ceased functioning pursuant to this chapter. Such claims must be presented and paid in the same manner as required by law for any claim for the payment of state funds.

§ 41-20-15.

The governor is urged to utilize the principles of "zero-based review and evaluation" for each state agency in his preparation of the budget for each fiscal year and to include such analysis, together with his recommendations, in his transmission of the budget to the legislature.

§ 41-20-16.

Nothing in this chapter shall be construed to abrogate any powers, duties or functions of any agency established by the people of Alabama in the Constitution of 1901.

Section 2. Severability.

If any clause, sentence, paragraph, section or part of this Act shall

be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgments shall have been rendered.

Section 3. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved February 25, 1981

Time: 3:30 P.M.

Act No. 81-62

H.J.R. 81—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19; and when we adjourn on Thursday, February 19, we adjourn to meet again on Tuesday, February 24; and when we adjourn on Tuesday, February 24, we adjourn to meet again on Thursday, February 26; and when we meet on Thursday, February 26, we adjourn to meet again on Wednesday, March 4; and when we adjourn on Wednesday, March 4, we adjourn to meet again on Thursday, March 5; and when we meet on Thursday, March 5, we adjourn to meet again on Tuesday, March 17, 1981, all dates hereinabove set forth being in the year 1981.

Approved February 26, 1981

Time: 11:45 A.M.

Act No. 81-63

H.J.R. 84—Reps. Gafford, Biddle,
Waggoner, Reed

HOUSE JOINT RESOLUTION

DEPLORING THE RUTHLESS MURDER OF YOUNG BLACKS IN ATLANTA, GEORGIA.

WHEREAS, within the past 19 months, the City of Atlanta,

Georgia, has been plagued with the disappearance of eighteen young Blacks, seventeen of whom have thus far been found brutally murdered at the hands of one or more sadistic killers; and

WHEREAS, regrettably, this series of heinous crimes in our neighboring state is yet another of ever increasing occurrences of repeated murders by maniacs whose less-than-human actions evidence the decadence of our society, brought on by failure in our homes and schools to instill even basic values in our children; and

WHEREAS, in fervent prayer that the person or persons responsible for the deaths of the children in Atlanta is soon apprehended, we further beseech a return to morality in our great nation which recognizes the sanctity of human life and attests to such through justice which swiftly punishes, in kind, the taking of another's life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express profound sorrow and regret in the slayings of seventeen young black children in the Atlanta area, and earnestly hope for a quick solution to these vicious murders.

BE IT FURTHER RESOLVED, That also we call for a return to the once high morality of our nation which was based on teachings in our homes, schools and churches that placed high values on human life and the rights of others, and on a system of justice which meted swift, harsh punishment to those who violated these fundamental rights.

Approved February 26, 1981

Time: 11:45 A.M.

Act No. 81-64

H.J.R. 67—Rep. Pegues

HOUSE JOINT RESOLUTION

LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we hereby agree to postpone receiving the Governor's budgets for one legislative day.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-65

H.J.R. 68—Rep. Starkey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama, in deep sorrow and regret, notes the death of Mr. Rufus Gleason Hibbett, Sr., on February 3, 1981, at the age of 80 years; and

WHEREAS, though a native of Tennessee, Mr. Hibbett, at the time of his death, had resided in Florence since 1923, moving to that city following his graduation from Cumberland University in Lebanon, Tennessee; and

WHEREAS, for almost one-half century, he then served his adopted home in the areas of public education, government, business and community affairs; and

WHEREAS, his association with the Florence City School System spanned a period of some 43 years, first as teacher, coach and principal at Coffee High School and Florence Junior High, then as superintendent of education from 1958 until 1966; he also established a scholarship program at Florence State University, was a former member of the board of education and was honored by the designation, in 1980, of the newest school in the Florence system as the "Rufus G. Hibbett School; and

WHEREAS, Mr. Hibbett further served in care and concern for his community as a member of the Florence City Commission, Chamber of Commerce and on the Board of directors of Freed-Hardeman College; and

WHEREAS, a longtime member of Wood Avenue Church of Christ, Mr. Hibbett served as an elder, Sunday School teacher and song leader; he was active with the Boy Scouts program as scoutmaster, was a member of the Rotary Club and chairman of the Club's music committee for 37 years; and he was the founder of Hibbett and Sons Sporting Goods of Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Rufus Gleason Hibbett, Sr., and extend to his family our most heartfelt sympathy in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his wife, Mrs. Imogene L. Hibbett, and their eight sons, with a copy also presented to the "Rufus G. Hibbett School" for appropriate display.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-66

H.J.R. 72—Rep. Harvey

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

WHEREAS, it is in deep sorrow and regret that the Alabama Legislature notes the death of Miss Amilea Porter of Oneonta, Alabama, on September 30, 1980, at the age of 72 years; and

WHEREAS, since her death, Miss Porter, one of Blount County's most beloved and respected citizens, has been honored posthumously by the establishment of the Amilea Porter Memorial Scholarship at her Alma Mater, the University of Montevallo, and by a proposed memorial, The Amilea Porter Center, at Palisades Park, a project of the Blount County Park and Recreation Board which she had served as Secretary-Treasurer; and

WHEREAS, a native of Fayette County, Miss Porter was reared in Marion County, but moved to Blountsville following college graduation; she retired as a teacher after a career of almost 40 years in public education to become deeply involved in church-related activities, and in many civic projects which resulted in the acquisition of a number of state and federal grants to be used in Blount County; and

WHEREAS, further, Miss Porter, through longtime membership in the Alabama Environmental Quality Association and as a member of the AEQA Council, became known statewide for her conservation contributions, and for her accomplishments in the area of heritage preservation through membership and in offices of the Blount County Historical Society; and

WHEREAS, Miss Porter's awards, honors and recognitions were numerous and included the Alabama Historical Commission's prestigious Award of Merit; she also was primarily responsible for the National Cleanest Town Achievement Award of 1971 for the Town of Oneonta; and

WHEREAS, she was a daily worker as a volunteer with the senior citizen's program, served on the publications committee of the first and Bicentennial editions of The Heritage of Blount County, and held many offices in Blountsville Methodist Church and later in Oneonta's Lester Memorial United Methodist Church; she was a member of Amaryllis Garden Club, Council of Blount County Project Pride, Cosmos Club and the Garden Clubs of Alabama; and

WHEREAS, the passage of time since Miss Porter's death has not eased the sorrow of those who knew and loved her for the extraordinary lady that she was; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Miss Amilea Porter and extend our most heartfelt sympathy to her many, many friends who were privileged to share her life, and to her surviving family to whom a copy of this resolution shall be sent.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-67

H.J.R. 73—Rep. Holley

HOUSE JOINT RESOLUTION

REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee Recreating an Interim Committee to Implement the Purchase of Property Within the Capitol Complex, created by H.J.R. 346, Act No. 80-657, is hereby delayed until the tenth legislative day.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-68

H.J.R. 74—Rep. Greer

HOUSE JOINT RESOLUTION

REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee to Study Nuclear Plants and to Make Recommendations Regarding a Regulatory Agency, created by H.J.R. 292, Act No. 80-649, is hereby delayed until the tenth legislative day.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-69

H.J.R. 75— Reps. Reed, Kennedy,
McCorquodale, Escott

HOUSE JOINT RESOLUTION

HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

WHEREAS, the Legislature of Alabama is honored to note the 100th Anniversary of the founding of our state's renowned Tuskegee Institute; and

WHEREAS, its charter signed into law on February 12, 1881, Tuskegee Institute, which was first housed in a wooden shanty, has developed into one of the largest predominantly black universities in the United States, its graduates numbering more than 25,000 who have gone forth from the Institute's hallowed halls to pursue professions and careers throughout our own land and the nations of the world; and

WHEREAS, Tuskegee Institute, founded by a former slave and a former slaveowner in a common bond of hope for the future, today operates with a budget of some \$25 million as contrasted with a first year appropriation of \$2,000; its student body currently numbers approximately 3400 as opposed to 30 students one hundred years ago under its first president, Booker T. Washington; and

WHEREAS, with the addition of George Washington Carver to its faculty, Tuskegee Institute soon became a research center from which the entire world reaped the benefits of revolutionized agricultural science; and

WHEREAS, to its program of vocational education, the university established its college-degree program in 1927 and, in addition to scientific research, it became famous as a knowledgeable source of reliable information on Black history and culture; and

WHEREAS, joining in the centennial celebration of Tuskegee Institute marking one hundred years of service, resourcefulness and accomplishment, are descendants of the two founders, Lewis Adams and George Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with dignitaries, officials, alumni, students and friends of Tuskegee Institute in celebrating and observing "Charter Day" and the Centennial Anniversary of said Institution on February 12, 1981.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Tuskegee Institute with copies also presented to Mrs. Lillie Wilson and Mr. Charles W. Campbell as the two oldest living descendants of the school's two founders.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-70

H.J.R. 77—Rep. Bennett

HOUSE JOINT RESOLUTION

NOTING NATIONAL CIRCLE K WEEK IN ALABAMA

WHEREAS, Circle K, a collegiate service organization, has chapters on a number of Alabama campuses; and

WHEREAS, under its motto, "We Build," such organization provides college students with a means to help others and to be of service to society as a whole; and

WHEREAS, Circle K, an arm of Kiwanis International, has approximately 13,000 members on nearly 750 campuses across the United States and around the world; and

WHEREAS, Circle K emphasizes the advantages of the democratic way of life and provides the opportunity for leadership training

in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge February 15 through 21, 1981, as Circle K Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jerrell Ivey, lieutenant governor of Circle K for Alabama, in evidence of the Legislature's recognition of outstanding service by club members to Alabama and the nation.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-71

H. 86—Reps. Manley, Pegues

AN ACT

Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, the county commission is hereby authorized to increase the mileage allowance of the county coroner by eight cents (\$.08) per mile. Said mileage allowance shall be in addition to any and all other salary, compensation, expense and mileage allowances heretofore provided by law and shall be paid in monthly installments from the county general fund.

Section 2. The operation of this act shall be retroactive to October 1, 1980, and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-72

H. 251—Rep. Blake

AN ACT

Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees

who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 243, H. 509, of the Regular Session of 1979 is hereby further amended to read as follows:

“Section 3. The provisions of this act shall apply to all employees of St. Clair County, St. Clair County Hospital or any municipality therein which elects to come under the authority of this board, but shall not apply to the following persons: (a) elective officers of the county or any municipality therein; (b) members of county or municipal appointive boards, commissions, and committees; (c) all employees of county or municipal boards of education; (d) the judge of any court; (e) any employee of the United States government or any agency thereof; (f) any employee of the state of Alabama or any departments thereof; and (g) any CETA workers.”

Section 2. Section 9 of Act No. 243, H. 509, of the Regular Session of 1979 is hereby further amended to read as follows:

“Section 9. An appointing authority shall have authority to suspend an employee for any personal misconduct affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than fifteen (15) days, he shall be entitled to a public hearing before the board upon written demand filed within ten days from the date of the order of suspension. A hearing shall be held no later than ten days following receipt of the written request therefor. If, after such hearing, the board determines that the action was without cause, the suspension shall be revoked, and the employee shall be reinstated with back pay to the date of discharge.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-73

H. 252—Rep. Blake

AN ACT

Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Equalization of St. Clair County shall be paid a total of \$30.00 per diem for each day's attendance upon the session of the board. Any portion of this amount not paid by the state shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-74

H. 253—Rep. Blake

AN ACT

Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-520, H. 1057, 1980 Regular Session, is hereby amended to read as follows:

"Section 1. In St. Clair County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state make the total paid to such officials twenty-five dollars (\$25.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. In addition, the returning officer shall be entitled to a mileage allowance at the same rate as the mileage allowance allowed state employees. The expense allowances provided for in this Act shall be paid from the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 26, 1981

Time: 2:30 P.M.

Act No. 81-75

H.J.R. 85—Rep. Adams(C)

HOUSE JOINT RESOLUTION

PROVIDING FOR POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, all necessary information concerning available state revenues for the next fiscal year is not available due to prospective changes in income due to savings and increased income; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby agree to postpone receiving the Governor's Special Educational Trust Fund and General Fund budgets until no later than the 9th legislative day.

Approved February 26, 1981

Time: 3:15 P.M.

Act No. 81-76

H.J.R. 71—Rep. Dial

HOUSE JOINT RESOLUTION

COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

WHEREAS, the Legislature of Alabama regrettably notes the announced retirement, effective July 1981, of Mr. Woodrow B. Thrash, as Director of the Cleburne County Area Vocational School, a position he has held since the school's inception some seven years ago; and

WHEREAS, a graduate of Cleburne County High School, Mr. Thrash attended Jacksonville State Teachers' College on an athletic scholarship, later transferring to Florence State College; his education, interrupted by World War II, was completed in 1946 after nearly five years of distinguished service in combat in three theatres of war; and

WHEREAS, first employed as a teacher, then in the prefabricated construction business, Woodrow Thrash returned to college

to earn a second B.S. degree, this time in vocational education, from Auburn University and embarked upon a career which was to span a period of 32 years in Wilcox, Dallas and Calhoun Counties, and in Cleburne County for the past quarter of a century; and

WHEREAS, Mr. Thrash, in addition to two undergraduate degrees, also holds a Master's Degree from Auburn and completed requirements for his AA Certificate; and

WHEREAS, one of our state's most outstanding and experienced vocational educators, Woodrow Thrash not only played an instrumental role in equipping and staffing the Cleburne County Area School but has since built its reputation to rival the best adult vocational colleges in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Woodrow B. Thrash on his long and illustrious career in the area of vocational education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Thrash in token of appreciation and in evidence of our high regard.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-77

H.J.R. 79—Rep. Venable

HOUSE JOINT RESOLUTION

EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA

WHEREAS, it was with a sense of shock and deep sorrow that the Legislature of Alabama learned of the tragic, accidental death of James Kenneth "Kenny" Burnette of Titus, Alabama, on February 13, 1981; and

WHEREAS, a graduate of the University of Alabama in Management and Marketing, he attended the public schools of Elmore County and lived all his young life in the Titus Community with his family since the date of his birth, November 17, 1956; and

WHEREAS, during his childhood and teenage years, Kenny loved the outdoors and was a fisherman and a hunter as well; and

WHEREAS, though helpless at such a time, we do indeed share this personal tragedy in the lives of Mr. and Mrs. William Jesse Burnette, Sr, father and mother to Kenny; and we express our most heartfelt sympathy not only to them but to William J. "Bill" Burnette, brother; Reverend and Mrs. J. Arthur Burnette and Mr. and Mrs. K. Lamar Kelly, grandparents; Mrs. R. J. Dixon and Mrs. Cleo Thornton, aunts; Bill's wife and daughters; and Kenny's other relatives and many many friends; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of James Kenneth "Kenny" Burnette of Titus, Alabama, and direct that copies of this resolution be sent to his family as evidence of our shared sorrow and deep regret in their great loss.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-78

H.J.R. 82—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA

WHEREAS, Harold I. Bryars, retired as a four-term County Commissioner, December 31, 1980; and

WHEREAS, Harold I. Bryars, has served Baldwin County in the capacity of Chairman of the County Commission, Finance and Taxation Commissioner, Road and Bridge Commissioner, Civic and Industrial Commissioner, and for a brief period as County Administrator-Treasurer; and

WHEREAS, Harold I. Bryars was elected successfully in 1960, 1964, 1968 and last in 1976, and completed a total of sixteen years in public service for Baldwin County; and

WHEREAS, Harold I. Bryars never missed a regularly scheduled meeting of the County Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to thank personally Commissioner Harold I. Bryars for a job well done, with professionalism and a common understanding of the public needs. The Baldwin County Legislative Delegation wishes Commissioner Bryars a very happy life in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Commissioner Bryars.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-79

H.J.R. 83—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING CLYDE MADISON STEELE, CITY CLERK,
BAY MINETTE, ALABAMA

WHEREAS, the City of Bay Minette has been fortunate that Clyde Madison Steele served as City Clerk for the past nineteen years; and

WHEREAS, Mr. Steele has assisted with the administration of three different mayors, seeing the City's budget multiply ten times in his nearly two decades of service; and

WHEREAS, Clyde Steele's dedication is revealed in his work record of nineteen years with only one day absent; and the fact that he worked long hours, numerous weekends, even sacrificing vacations; and

WHEREAS, Clyde Steele was selected as Bay Minette, Alabama's "Man of the Year for 1980"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay special tribute and convey our heartfelt thanks to Clyde Madison Steele for the contribution which he has made to the growth of the City of Bay Minette and extend to him our best wishes upon his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clyde Madison Steele.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-80

H.J.R. 87— Reps. Zoghby, Gafford, Barton,
Bennett, Blake, Brakefield, Cobb,
Cosby, Crow, Gilmer, Gregg,

Letson, McKee, McMillan, Olive,
Pegues, Penry, Seibels, Smith (C),
Smith (J), Willis, Wyatt

HOUSE JOINT RESOLUTION

DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

WHEREAS, the reprehensible trend of our courts to protect the rights of criminals at all costs has resulted in an almost total disregard of the rights of crime victims and witnesses in our society; and

WHEREAS, it has become mandatory that public attention be focused on our duty, as a society, to improve the plight and restore the rights of crime victims in America; and

WHEREAS, the Legislature of the State of California has, for five years, adopted resolutions designating a Victims Rights Week as a means of championing the rights of innocent victims of vicious crimes; and

WHEREAS, the California Legislature has this year called upon each of the other 49 states to also so declare such observance and has further requested that President Reagan proclaim a National Victims Rights Week as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with our sister state of California, and hopefully with the entire nation, in observing Victims Rights Week in Alabama, April 20-26, 1981.

BE IT FURTHER RESOLVED, That we request all law abiding citizens in the State of Alabama and all state departments and agencies to assume a positive role in improving the plight of crime victims and their survivors by working to restore effectiveness to the administration of criminal justice in our state and nation.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-81

H.J.R. 88— Reps. Smith(C), Holley,
Waggoner, Moore, Amari,
Bennett, Owens, Turnham

**COMMENDING THE UNIVERSITY OF MONTEVALLO
GOLF TEAM AND ITS COACH, DR. LEON DAVIS.**

WHEREAS, the Alabama Legislature, in commendation and in praise, notes the many and outstanding accomplishments of the University of Montevallo Golf Team under the leadership of Dr. Leon Davis; and

WHEREAS, Dr. Davis, professor and director of mens' athletics at the University of Montevallo, has served as Golf Coach since the Spring of 1972 and since that time his Falcons have claimed championships on district and conference levels and have placed in national competition, as well; and

WHEREAS, in 1980 alone the Montevallo Falcons won the Southern States Conference Championship, the National Association of Intercollegiate Athletics District 27 Championship, the Hart-Cullman Chamber of Commerce Invitational and the North Alabama Classic, as well; they were runner-up in the Nashboro Village Collegiate Classic in Nashville, Tennessee, and the Calhoun Fall Classic at Decatur, Alabama, and also participated in the NAIA National Tournament, finishing in 14th place; and

WHEREAS, individually, Larry Adams, Medalist, was named to the 1980 All-Conference Team, as were Norm Tums and Chris Myers; Medalist Adams also was named All District in the District 27 NAIA Playoffs along with Falcons Tums, Myers and Les Holcombe; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we most highly commend the University of Montevallo golfers and their coach, Dr. Leon Davis, and congratulate them most heartedly on their outstanding accomplishments in competition.

BE IT FURTHER RESOLVED, That Dr. Davis and Dr. James F. Vickrey receive a copy of this resolution on behalf of the entire Golf Team, with a copy also provided for appropriate display by the Athletic Department of the University of Montevallo.

Approved March 2, 1981

Time: 3:00 P.M.

PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, SJR 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, HJR 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study has dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-83

H.J.R. 90—Reps. Turnham, Hammett,
Gilmer, Whatley, Carothers

HOUSE JOINT RESOLUTION

HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

WHEREAS, James L. Lawson, now affectionately known by a multitude of friends as "Mr. Jimmy," was born on May 2, 1897, in Banks, Alabama, and as a young man served the people of this state as a teacher and soldier. Since graduating from Alabama Polytechnic Institute (now Auburn University) in 1923, he has served the Agricultural interests of this state with unequalled distinction; and

WHEREAS, his 39 years with the Alabama Cooperative Extension Service, from 1923 to 1962, coming during the difficult years of the Thirties and the formative years of commercial agriculture in this state, were a legend of leadership; and

WHEREAS, after retirement from the Extension Service, he again answered the call of service to Alabama Agriculture by serving for 16 years as Assistant to the Commissioner of Agriculture and Industries from 1962 to 1978; and

WHEREAS, he is a 32nd degree Mason and a Shriner and is recognized within the state and throughout the Nation as the all-time Number One Mason of the State of Alabama, has served as the Grand Master of the Grand Lodge of Alabama and twice as Worshipful Master of the Auburn Lodge No. 76, and is widely recognized for the impressive manner in which he conducts all masonic ceremonies; and

WHEREAS, it is appropriate in recognition of "Mr. Jimmy's" contributions and his approaching 84th birthday, that the people of this state, through their elected representatives, offer their prayers for complete recovery from his recent illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take this opportunity to express to Mr. James L. "Jimmy" Lawson, our deep appreciation for his long and untiring dedication to his fellowman and to extend our most sincere best wishes for his future health.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mr. Lawson, his daughter Susan, and son James, Jr.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-84

H.J.R. 91— Reps. Starkey, Greer, Smith (M),
Carter, Riddick, Gregg, Coburn,
Goodwin, Stout

HOUSE JOINT RESOLUTION

URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T.V.A. ADMINISTRATIVE HEADQUARTERS.

WHEREAS, the Tennessee Valley Authority Act of 1933 clearly and specifically required said corporation to locate and maintain its principal office in Muscle Shoals, Alabama; and

WHEREAS, in direct defiance of the provisions of this Act, administrative headquarters were located and have since remained in Knoxville, Tennessee; and

WHEREAS, on January 25, 1979, U. S. District Judge Frank H. McFadden issued an order directing that said TVA headquarters in

Knoxville be moved to comply with the stipulation of the 1933 Act; and

WHEREAS, in an unprecedented mockery of justice, the U. S. Fifth Circuit Court of Appeals has just recently reversed the ruling of the lower court, a decision that is blatant in its total disregard of the provisions of the TVA Act of 1933, which is explicit in language and in congressional intent; and

WHEREAS, Alabama Attorney General Charles Graddick has indicated that he is considering an appeal of this unjust decision, which course of action we fully and vigorously support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strenuously urge Attorney General Charles Graddick to immediately file an appeal of the recent decision, exhausting all appellate remedies even to the Supreme Court of the United States.

BE IT FURTHER RESOLVED, That by copy of this resolution, Attorney General Graddick be immediately advised of our urgent recommendations of appeal and of our steadfast support in this matter.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-85

H. 332—Rep. Grouby

AN ACT

Relating to Autauga County; to provide an expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Autauga County shall receive an expense allowance, the exact amount to be set by the county commission, not to exceed \$200 per month, to be paid from any funds in the county treasury. Said expense allowance shall be in addition to any salary paid the coroner, but shall be in lieu of any expense allowance heretofore provided the coroner.

Section 2. Act No. 176, H. 235, Third Special Session 1975 (Acts of Alabama 1975, p. 435), approved May 5, 1975, is hereby expressly repealed. All laws or parts of law which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part

of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 2, 1981

Time: 3:00 P.M.

Act No. 81-86

S.J.R. 40—Mr. White

SENATE JOINT RESOLUTION

CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE ON MEDICAID RECOMMENDATION.

WHEREAS, Medical Services Administration, the agency designated by the Governor of the State of Alabama to administer Title XIX (Medicaid) benefits in the State of Alabama, has limited inpatient hospitalization for the majority of Medicaid beneficiaries to fifteen plus five days, and

WHEREAS, MSA has enforced unjust limitations on the screening benefits provided under the federally mandated EPSDT program, and

WHEREAS, these limitations fail to provide essential care for neonatals in high risk nurseries as well as children below the age of twenty one years having what would be considered catastrophic illnesses, and

WHEREAS, it is the intent of the Alabama Legislature that essential care be provided to all Medicaid eligible children under the age of twenty one, and that it is cost effective to provide such care, and

WHEREAS, inpatient hospital stays are monitored for appropriateness by the state's Professional Standards Review Organization to assure MSA that the costs of care were in fact necessary, now therefore

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of MSA amend the State Plan to provide that all qualified medical providers are entitled to participate in the EPSDT program, and

BE IT FURTHER RESOLVED, That the hospital administered neonatal exam qualify as a screening exam, and

BE IT FURTHER RESOLVED, That all Medicaid and potentially Medicaid eligible children under the age of twenty one in the State of Alabama are entitled to all EPSDT benefits regardless of whether they are well or whether they present with suspected conditions.

Approved March 2, 1981

Time: 4:15 P.M.

Act No. 81-87

H.J.R. 97—Rep. Adams(H)

HOUSE JOINT RESOLUTION

COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

WHEREAS, Mr. Howard Hall of Cherokee County, Alabama, is to be recognized for his outstanding contributions to the agricultural and related industries of the State of Alabama; and

WHEREAS, Mr. Hall, who grew up in rural Limestone County, completed his education at Auburn University and began his first employment as supervisor of an Ordinance Missile Lab in Huntsville, Alabama; and

WHEREAS, in 1962, Howard Hall joined the Alabama Extension Service as Assistant County Agent in DeKalb County with a primary responsibility for livestock and vegetable production; in 1965 he transferred to the Extension's staff in Lauderdale County to assume responsibility for swine production and, under his direction, gross animal sales of swine in that county increased from \$700,000 to \$2 million; and

WHEREAS, in addition, Mr. Hall also worked closely with other farm production programs until 1970 at which time he moved to Cherokee County as County Agent, remaining until his early retirement due to failing health; and

WHEREAS, under Mr. Howard's supervision, the county's soybean production increased from a crop valued at \$300,000 to \$5 million, and cotton yields were maintained at one of the highest levels in Alabama; and

WHEREAS, in further service to his community, and in addition to his dedicated work with agricultural development, Mr. Hall played

a personal and instrumental role in bringing many segments of industry to Cherokee County with the result that the county's percentage of unemployed is among the lowest in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and praise Mr. Howard Hall for outstanding service to the agricultural industry of our State and for his active role in bringing industry to Cherokee County.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Hall that he and Mrs. Hall and their two sons and two daughters may be aware of our gratitude and of our warm personal regard.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-88

H.J.R. 100—Reps. Cosby, Pegues,
Edwards

HOUSE JOINT RESOLUTION

DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

WHEREAS, in the Spring of 1979, a group of Selma citizens, the staff of the Selma-Dallas County Public Library and representatives of the Friends of the Library, who are interested in the age-old art of story telling, met to organize the Alabama Tale Tellin' Festival to be headquartered in Selma, Alabama; and

WHEREAS, the first Festival, sponsored by the Friends of the Selma-Dallas County Public Library, was held on October 13, 1979, in Lafayette Park, located on historic and unique Water Avenue in Selma, Alabama; the Festival was held to coincide with the city's now famous and popular Riverfront Market Day as an addition to this occasion; and

WHEREAS, the well-known Folktellers, Connie Regan and Barbara Freeman from Ashville, North Carolina, were the headliners for the Festival, in addition to many well-known Alabama and local story tellers, with 1,200 people gathering to hear these tale tellers relate regional legends, accounts of strange creatures from nowhere, nostalgic recollections, and hilarious tall tales whose humor marks the folklore of most Southern story tellers; and

WHEREAS, Selma's own Kathryn Windham, celebrated Alabama author and tale spinner, standing before a bonfire on the banks of the Alabama River, ended the evening with her famous ghost stories; and

WHEREAS, due to the overwhelming success of this first festival, it became necessary to move to a new and permanent site which is in a field adjacent to Bloch Park; Jackie Torrence, a famous tale spinner from North Carolina, was the headliner that second year, telling her stories to 1,600 people; and

WHEREAS, The Alabama Tale Tellin' Festival is now a permanent organization with a board to establish policy and plan this unique program each year in Selma, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the City of Selma as the Alabama Tale Tellin' Capital.

BE IT FURTHER RESOLVED, That we respectfully request that Governor Fob James, by proclamation, also so designate the City of Selma in concurrence with our commendation and praise of this unique program promoting an age-old art in Alabama.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-89

H.J.R. 102—Rep. Wyatt

HOUSE JOINT RESOLUTION

NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

WHEREAS, John A. (Pete) Peterson, who was born in Lafayette, Indiana, on April 9, 1891, came to Montgomery at the outbreak of World War I for training at Taylor Field as a U.S. Army Signal Corps engineering officer; and

WHEREAS, he liked Alabama so well that he returned here after the war to make his home and to engage in the profession of bridge building; and became a successful and wealthy bridge builder, and a good citizen of his county, state, and nation; and

WHEREAS, he joined the newly organized Kiwanis Club of Montgomery in 1920 and made the club his "family," since he was unmarried; he remained a member for 48 years, and upon his death on July

14, 1968, left a net estate of some \$675,000 in trust with the Alabama National Bank of Montgomery, assigning to the Kiwanis Club the right to designate recipients of proceeds from the Pete Peterson Trust Fund for educational, charitable, and civic causes in Pete Peterson's adopted State of Alabama; and

WHEREAS, the Peterson Fund has already produced some \$330,000 that has been used for such purposes, and is now estimated to be worth \$775,000, and will continue to grow and produce increasing amounts of money to enrich the lives of the people of Alabama; and

WHEREAS, it seems appropriate that this generous citizen, Pete Peterson, be memorialized and honored by the State of Alabama; and

WHEREAS, the State of Alabama has recently completed a modern bridge just south of Montgomery on Highway 331, spanning the Catoma Creek; and

WHEREAS, it is commonly believed by friends and acquaintances of Pete Peterson that the first bridge he built in Alabama was one spanning the Catoma Creek; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the aforementioned bridge on Highway 331 spanning the Catoma Creek be, and is hereby, named the "Pete Peterson" Bridge in his honor and memory as a patriot and a citizen who was dedicated throughout his life to American greatness and to the cause of freedom for all mankind.

BE IT FURTHER RESOLVED, That an appropriate sign or marker be erected and maintained so designating said bridge, and that a copy of this resolution be sent to the Kiwanis Club of Montgomery.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-90

H.J.R. 103— Reps. Mitchell, Barton, Owens,
Clark (G), Manley, Howard,
Johnson (Roy)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Dr. Ralph Dempsey Brown of Tuscaloosa on July 13, 1980,

at the age of just 61 years; and

WHEREAS, Dr. Brown, educated in the Tuscaloosa County Schools, was a graduate of Palmer Chiropractic College in Davenport, Iowa, and practiced professionally in his home town of Tuscaloosa; he served his country in the United States Army during World War II and was for two terms, 1962-1970, a member of the Alabama House of Representatives; and

WHEREAS, he was a member of the Southside Lions Club, Von Bayer Masonic Lodge #699, Tuscaloosa Shrine Club, Chiropractic Society, Tuscaloosa County Singing Convention, American Legion, Disabled American Veterans, the Moose Lodge and the Northwood Hills Baptist Church; and

WHEREAS, affectionately and widely known as "Doc," he further served as Tuscaloosa County Tax Collector, elected October 1, 1973, remaining in said capacity until the time of his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Ralph Dempsey Brown and extend our most heartfelt sympathy to his family, and to the citizens of the community he served so faithfully and so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Bernice B. Brown, that she and their children may know we deeply share the sorrow of their great loss.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-91 H.J.R. 104—Reps. Turnham, Sandusky, Smith (C),
Ward, Venable, Shoemaker,
Johnson (R.G.), Carothers

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Coach Wilbur Hall Hutsell of Auburn, Alabama, on December 8, 1980, at the age of 88; and

WHEREAS, former Coach and Athletic Director at Auburn

University, Coach Hutsell was associated with the university for some sixty years, first as head track coach, head trainer and professor of physical education from 1921 until his retirement in 1963, then through unofficial activities on a voluntary basis for many additional years; and

WHEREAS, affectionately known as "Mr. Track," Coach Hutsell was Auburn's first regular track coach and, with the aid of friends, built the first track which was used until 1940; and

WHEREAS, during his tenure at Auburn, Coach Hutsell compiled a phenomenal dual meet record of 140 victories and just 25 losses; he produced 75 Southeastern Conference individual champions, seven who tied for first places and four Olympic performers; and

WHEREAS, Wilbur Hutsell was a member of the Nelms Track Hall of Fame, the Missouri Track Hall of Fame, the National Track and Field Hall of Fame, and the Alabama Sports Hall of Fame; these honors evidence his ability, his extraordinary talent and the high regard in which he was held by his fellow athletes, peers and sports enthusiasts throughout the entire United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Coach Wilbur Hall Hutsell of Auburn, Alabama, and extend our most heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-92

H. 268—Rep. Hammett

AN ACT

Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County, the county commission is hereby authorized, in its discretion, to pay in addition to any and all other compensation, salary and expense allowance, to each member of the board of registrars an expense allowance of ten dollars (\$10.00) per day. The amount paid under the provisions of this Act shall be paid out of the county general fund and shall be paid only when the

members of the board of registrars actually attend meetings of said board.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall be retroactive to October 1, 1980.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-93

H. 269—Rep. Hammett

AN ACT

Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama alcoholic beverage control board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within Covington County, the provisions of Section 28-3-161, Code of Alabama 1975, to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-94

H.J.R. 108— Reps. Starkey, Greer, Goodwin,
Coburn, Bowling, Letson

HOUSE JOINT RESOLUTION

NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY."

WHEREAS, the University of North Alabama is one of Alabama's larger four-year institutions of higher learning with an enrollment of some 5,300 students; and

WHEREAS, Highway 157 between Cullman, Alabama, and the Tennessee state line, is a main artery which not only leads to the University of North Alabama but actually traverses the University's campus; and

WHEREAS, the University of North Alabama is Alabama's only four-year institution located on or near said Highway 157; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Highway 157 from Cullman, Alabama, to the Tennessee state line as the "University of North Alabama Highway," and direct that appropriate signs and markers be erected and maintained so designating said highway.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-95

H. 172—Rep. Gilmer

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Glen Allen in Fayette County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The North 1/2 of the N/E 1/4 of the SW 1/4, Section 19, T 13 S, R 11 W.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-96

H. 173—Rep. Gilmer

AN ACT

Relating to Lamar County; to provide further for the compensation of certain election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lamar County shall provide such additional amount of daily compensation as is necessary to grant each election clerk, inspector, and returning officer of elections a total compensation of \$25.00, and shall increase the mileage allowance of the returning officer to \$.15 a mile in going to the courthouse and returning to the place of holding the election. Such compensation and mileage shall be paid out of any funds in the county treasury available for such purposes.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-97

S. 1—Mr. deGraffenried

AN ACT

To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-150 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 12-16-150. It is good ground for challenge of a juror by either party:

“(1) That the person has not been a resident householder or freeholder of the county for the last preceding six months.

“(2) That he is not a citizen of Alabama.

“(3) That he has been indicted within the last 12 months for felony or an offense of the same character as that with which the defendant is charged.

“(4) That he is connected by consanguinity within the ninth degree, or by affinity within the fifth degree, computed according to the rules of the civil law, either with the defendant or with the prosecutor or the person alleged to be injured.

“(5) That he has been convicted of a felony.

“(6) That he has an interest in the conviction or acquittal of the defendant or has made any promise or given any assurance that he will convict or acquit the defendant.

“(7) That he has a fixed opinion as to the guilt or innocence of the defendant which would bias his verdict.

“(8) That he is under 19 years of age.

“(9) That he is of unsound mind.

“(10) That he is a witness for the other party.

“(11) That the juror, in any civil case, is plaintiff or defendant in a case which stands for trial during the week he is challenged or is related by consanguinity within the ninth degree or by affinity within the fifth degree, computed according to the rules of the civil law, to any attorney in the case to be tried or is a partner in business with any party to such case.

“(12) That the juror, in any civil case, is an officer, employee or stockholder of or, in case of a mutual company, is the holder of a policy of insurance with an insurance company indemnifying any party to the case against liability in whole or in part or holding a subrogation claim to any portion of the proceeds of the claim sued on or being otherwise financially interested in the result of the case.”

Section 2. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-98

S. 27—Messrs. St. John and Little

AN ACT

To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Be It Enacted by the Legislature of Alabama:

Section 1. A durable power of attorney is a power of attorney by which a principal designates another his attorney in fact or agent in writing and the writing contains the words "This power of attorney shall not be affected by disability, incompetency, or incapacity of the principal," or "This power of attorney shall become effective upon the disability, incompetency, or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability, incompetency, or incapacity.

Section 2. All acts done by an attorney in fact pursuant to a durable power of attorney during any period of disability, incompetency, or incapacity of the principal have the same effect and inure to the benefit of and bind the principal and his successors in interest as if the principal were competent, not disabled and not incapacitated.

Section 3.

(a) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a guardian, curator, or other fiduciary charged with the management of all the principal's property or all of his property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he were not disabled, incompetent, or incapacitated.

(b) A principal may nominate, by a durable power of attorney, the guardian, curator, or other fiduciary for consideration by the court if proceedings to appoint a fiduciary for the principal are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

Section 4.

(a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the successors in interest of the principal.

(b) The disability, incompetency, or incapacity of a principal, who has previously executed a written power of attorney that is not a durable power, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the disability, incompetency, or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or enforceable, binds the principal and his successors in interest.

Section 5. As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney in fact under a power of attorney, durable or otherwise, stating that he did not have, at the time of the exercise of the power, actual knowledge of the termination of the power by revocation or of the principal's death, disability, incompetency, or incapacity in conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section shall not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

Section 6. If any provision of this Act or its application to any person or circumstances is held invalid or unconstitutional, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 7. This Act shall take effect upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

Approved March 4, 1981

Time: 8:15 A.M.

AN ACT

Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of registrars an increase in salary in such amount as will together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal fifty dollars (\$50.00) per day. If the amount paid to such members as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease. The amount paid under the provisions of this act shall be paid out of the county general fund in the same manner as other county officials are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-100

S. 32—Mr. Gulledge

AN ACT

Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. In addition, the returning

officer shall be entitled to a mileage allowance in the amount of eighteen cents (\$.18) per mile. The expense allowances provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 4, 1981

Time: 8:15 A.M.

Act No. 81-101

H.J.R. 126—Reps. Owens, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dail, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE JAMES G. SASSER.

WHEREAS, on February 26, 1981, the State Board of Education announced its selection of Representative James G. Sasser to assume the presidency of Alabama Aviation and Technical College, which institution Mr. Sasser has served for the past several years as Dean of Instruction; and

WHEREAS, eminently qualified for this responsible position, our friend James Sasser is a graduate of Troy State University with a B.S. Degree, and he holds a Masters Degree in School Administration from the University of Alabama; he is a former coach and principal, as well as trade and industrial education coordinator for the Ozark City School Board; and

WHEREAS, a United States Army veteran of World War II and a retired Army Reserve officer with 23 years of service, Mr. Sasser is a member of both the VFW and the American Legion; he also is a Mason and a member of the First United Methodist Church of Ozark where he serves on the Board of Stewards; and

WHEREAS, it has been our privilege and good fortune to serve with Jim Sasser in the Legislature since he was first elected in 1974 to House District 69, representing constituents from Dale, Barbour and Henry Counties; his legislative service has been marked by excellence, distinguished in achievement and total in its dedication to the good of his district as well as the entire State of Alabama; and

WHEREAS, through past and present service on such important committees as Education, Health, Military Affairs, Rules, and Ways and Means, Jim Sasser's knowledgeability and expertise have proved invaluable to our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Representative James G. Sasser on his prestigious appointment as President of Alabama Aviation and Technical College; we wish him well in his new position and express the gratitude of all the citizens of Alabama for his dedicated and distinguished legislative service.

BE IF FURTHER RESOLVED, That our colleague, Jim Sasser, be presented with a copy of this resolution in token of friendship and our high regard.

Approved March 5, 1981

Time: 3:45 P.M.

Act No. 81-102

H. 11—Rep. Cates

AN ACT

To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-74, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-18-74. Payment of amounts withheld.

“(a) Every employer required to deduct and withhold tax under § 40-18-71 shall, for the quarterly period beginning January 1, 1956, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period make return and pay over to the department of revenue the tax required to be withheld under § 40-18-71. Where the aggregate amount required to be deducted and withheld by any employer for either the first or second month of a calendar quarter exceeds one thousand dollars the employer shall by the fifteenth day of the succeeding month pay over such aggregate amount to the department of revenue. The amount so paid shall be allowed as a credit against the liability shown on the employer's quarterly withholding return required by this section. Any employer required under this section to make monthly payments of the aggregate amount required to be deducted and withheld that does not pay over such aggregate amount by the prescribed date shall be subject to the same penalties provided in § 40-18-80(b).

“(b) If the department, in any case, has reason to believe that the collection of the tax provided for in § 40-18-71 is in jeopardy, it may require the employer to make such return and pay such tax at any time.

“(c) Every employer, who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally and individually liable therefor to the state of Alabama, and any sum or sums withheld in accordance with the provisions of § 40-18-71 shall be deemed to be held in trust for the state.

“(d) In the event an employer fails to withhold or pay over to the department any amount required to be withheld under § 40-18-71, such amount may be assessed against such employer in the same manner as is prescribed for the assessment of income tax under the provisions of § 40-18-40. Such employer may appeal from such final

assessment in the same manner as is prescribed by law for appeals by the taxpayer. When no appeal is taken by the employer, execution may be issued upon the final assessment in the same manner as is provided by law for the issuance of an execution by the department of revenue.

“(e) The state shall have a lien upon all the property of any employer who fails to withhold or pay over to the department sums required to be withheld under § 40-18-71. If the employer withholds but fails to pay the amounts withheld to the department, the lien shall accrue as of the date the amounts withheld were required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on July 1, 1981.

Approved March 9, 1981

Time: 4:45 P.M.

Act No. 81-103

H.J.R. 40—Rep. Mitchell

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama is pleased to note the Class 2A State Football Championship won by Gordo High School following a 26-22 triumph over South Choctaw High School of Silas, Alabama; and

WHEREAS, the championship game was well attended by enthusiastic fans of both teams, all of whom thoroughly enjoyed the exciting game and greatly admired the courage and good sportsmanship displayed by all the players; and

WHEREAS, Gordo High School emerged from the finals with the Crown and with fourteen solid victories without a loss for the season; the team wound up with a 35 points-per-game average, ceding a miserly eight points-per-game average to their formidable opponents; and

WHEREAS, leading his team to this outstanding 1980 season and to the Championship, Head Coach Waldon Tucker, now in his third year at Gordo High, was ably assisted by Coaches Jimmy Mills, Ted Copeland, Mike Driver and Ronald Coleman; and

WHEREAS, credit for the crown also goes to all members of this fine 1980 team who worked together diligently all season long, exhibiting good sportsmanship and fair play in each and every game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Gordo High School and the 1980 Class 2A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Max Joiner, Principal, for appropriate school display with a copy also sent to Coach Tucker on behalf of his entire staff and his 1980 championship team.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-104

H.J.R. 110—Rep. Minus

HOUSE JOINT RESOLUTION

HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Alabama Legislature has noted with deep admiration and esteem, the many outstanding accomplishments of Mr. Walter Albert Greene and his contributions of note to the citizenry of Sumter County; and

WHEREAS, having worked for the railroad for some 22 years, Mr. Greene also was a successful businessman who has owned a dry cleaning and laundry operation, a hotel, restaurant, feed mill and feed store; he further has been an oil distributor, builder, developer of homes and subdivisions and engaged in chicken, pig and cattle farming; and

WHEREAS, always civically involved, Mr. Greene served for 24 years on the Sumter County School Board, served one term on the York City Council and has held membership in the Rotary Club and the Lions Club; he is a member of the Eastern Star, he is a Shriner

and a past Grand Master of the Masonic Order; and

WHEREAS, Mr. Greene, born in 1900, is a native and lifelong resident of his beloved Sumter County and he has been a member of the First Baptist Church of York since 1924; faithful in attendance, and in service, he has been a Deacon, Superintendent of the Sunday School and served as chairman of the Church's Finance Committee; and

WHEREAS, Walter Albert Greene, through a lifetime of care and concern for his community has endeared himself to the residents of Sumter County and is one of said county's most beloved and highly respected citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Walter Albert Greene of York, Alabama, and express our deep gratitude for his longtime and concerned involvement in the affairs of Sumter County.

BE IT FURTHER RESOLVED, That Mr. Greene receive a copy of this resolution that he and his wife, Mrs. Everett Fort Greene, their three daughters and other family members may know of this body's warm best wishes and high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-105

H.J.R. 111—Reps. Pegues, Cosby

HOUSE JOINT RESOLUTION

COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

WHEREAS, Alabama's historic Marion Military Institute, founded in 1842, is prestigious in its designation by the Department of the Army as an Honor Military School; and

WHEREAS, it is to be noted with utmost praise that Marion Military Institute is conducting a Formal Review by the Cadet Battalion in honor of the courageous men and women of our Nation's Armed Forces who served in loyalty and in combat during the Vietnam Conflict; and

WHEREAS, these millions of Americans who so faithfully served

in Vietnam are our country's forgotten heroes, true patriots whose great sacrifice has yet to be recognized by their homeland and by their fellow countrymen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Marion Military Institute and its spirit of true patriotism in conducting a Formal Review in honor of the veterans of Vietnam who, during said conflict, served their country with honor and in great courage.

BE IT FURTHER RESOLVED, That Marion Military Institute receive a copy of this resolution tendered in commendation by the Alabama Legislature.

Approved: March 16, 1981

Time: 8:30 A.M.

Act No. 81-106

H.J.R. 113—Reps. Kennedy, Sandusky,
Bedsole, Harper (T), Stewart,
Parker, Clark (W), Zoghby,
Buskey, Turner, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MISS RAMONA LORET DOYLE.

WHEREAS, the Legislature of Alabama is both pleased and proud to note the many outstanding accomplishments of Miss Ramona Loret Doyle, most particularly in the areas of leadership and academics; and

WHEREAS, Miss Doyle, who is the accomplished daughter of Mobile Mayor and Mrs. Robert B. Doyle, Jr., is a senior at Sewanee, the University of the South, and is a member of Phi Beta Kappa, Omicron Delta Kappa leadership fraternity and, most recently, was prestigiously selected, in December 1980, as a Rhodes Scholar; and

WHEREAS, now a Sewanee senior, Miss Doyle has been on the Dean's List, successively, since 1977 and has been a member of the academic honorary Order of Gownsmen since 1978; she is a Georgia M. Wilkins Scholar, which is the University of the South's highest award to entering freshmen, and participated on scholarship in the British Studies at Oxford in 1979; and

WHEREAS, active in governmental affairs, Miss Doyle has been a member of the Women's Interdormitory Council and has served on

numerous student government committees related to curriculum, academic affairs, commencement, orientation, parent's weekend, which she chaired in 1980, and the 1980 Women's Conference; and

WHEREAS, she has been a contributor since 1978 to the student literary magazine, *The Mountain Goat*, which she also served as Editor-in-Chief; she was editorial assistant for two years for the *Cap and Gown Yearbook*; is a contributor, since 1978, to *The Sewanee Purple* newspaper and a former editorial board member; and she is 1979 second place winner of the Bain-Swiggert Poetry Contest at Sewanee; and

WHEREAS, Miss Doyle is a member of the Women's Soccer Team, an Intramural swimmer with two unbroken records, a member of the Sewanee Outing Club, and has participated in Intramural football, basketball and volleyball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Ramona Loret Doyle of Mobile, Alabama, for outstanding achievement as a scholar, a young leader and a young lady of accomplishment in all areas of student life.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Doyle and to her parents, Mayor and Mrs. Doyle of Mobile, that they may know of our high regard and warm best wishes for every future success.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-107

H.J.R. 117—Reps. Albright, Smith (M),
Smith (J), Riddick, Gregg, Hall

HOUSE JOINT RESOLUTION

COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has noted, with utmost praise, the dedicated service of Mr. James Record to Madison County, Alabama, whose tenure of more than three decades was distinguished in its honesty, efficiency and loyalty; and

WHEREAS, Mr. Record's county service first began in 1947 as Deputy Tax Assessor, followed by service as Clerk-Auditor from 1948 until 1962, at which time he was elected to the Madison County

Commission, holding the position of Chairman until his recent retirement on January 19, 1981, at the expiration of his fourth consecutive term; and

WHEREAS, during his illustrious administration, Madison County prospered in all areas to become recognized as one of our nation's most progressive counties in services for its citizens, winning more national awards for excellence of county programs than all other 66 Alabama counties combined and more than any other county in the United States of comparable size; and

WHEREAS, during Commissioner Record's 32 years of service as the chief financial advisor to Madison County, it is significant to note that no new taxes were levied while one tax was abolished and yet another was reduced, a record that is recognized as nationally unique; and

WHEREAS, a former state senator from Madison County, James Record is a past president of both the Alabama Association of County Commissions and the Alabama Association of County Administrators and was founder and a past president of Top of Alabama Council of Governments; he also served on NACO national committees on Education, Home Rule and Environment and received the Jaycee's Good Government Award and the Chamber of Commerce Distinguished Citizen of the Year Award, as well; and

WHEREAS, an author and historian, Mr. Record has authored five books on local government and history and is co-author of the 1978 Code of Madison County; he is past president of the Alabama Historical Association and of the Huntsville-Madison County Historical Society for two terms, and a past president and present board member of both the Alabama Historical Commission and the Huntsville Burritt Museum; and

WHEREAS, a zealous patriot, Mr. Record is a four-year U. S. Infantry and Air Force veteran and is Past Commander, Adjutant, Historian and Life Member of the Madison County American Legion Post 37 and 237; he holds further memberships and offices of leadership in Madison County Gentry-Isom Post 2702, VFW and B.P.O.E., and has received numerous awards for outstanding service to these organizations; and

WHEREAS, James Record, noted educator and a lecturer on county government, history and patriotism, also is the founder of the Madison County Record, one of Alabama's largest weekly newspapers, and is the publisher of seven books in addition to holding various business interests in numerous firms, local and national in scope; and

WHEREAS, his care and concern in community affairs extend

further to include involvement in a vast number of charitable organizations, their fund drives and humanitarian works; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Record of Madison County and express our deep gratitude for his contributions to governmental, charitable and community affairs in Madison County and in Alabama.

BE IT FURTHER RESOLVED, That Mr. Record receive a copy of this resolution tendered in praise of his achievement, in gratitude for his service and in token of our high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-108

S.J.R. 46— Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM N. McQUEEN.

WHEREAS, The state of Alabama lost one of its most astute legal figures last July in the death of William Northington McQueen; and

WHEREAS, Billy McQueen received his law degree in 1933 from the University of Alabama, and served with distinction in private law practice, as Attorney General, and as legal adviser to Governor Gordon Persons; and

WHEREAS, Mr. McQueen, though unassuming in nature, won the respect and admiration of the entire legal fraternity, and worked tirelessly to protect and interpret constitutional law in his beloved state; and

WHEREAS, Billy McQueen was a true Christian gentleman and a devoted member of St. John's Episcopal Church, serving in many capacities in his parish and diocese; and

WHEREAS, He died at the age of 71, but had the energy and youthful spirit of a much younger man; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we were honored to have William McQueen as a friend; we are deeply grateful for his many accomplishments and services to the state of Alabama, and to his fellow man.

BE IT FURTHER RESOLVED That our heartfelt sympathy is expressed to his wife, Mrs. Polly McQueen, his daughter, Mrs. Charles Voltz, and his son, William N. McQueen, Jr., to whom copies of this resolution will be sent.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-109

S.J.R. 48—Mr. Hilliard

SENATE JOINT RESOLUTION

CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

WHEREAS, the Legislature of Alabama is pleased to note the current 1980-1981 Reign of Miss Kathrina Denise Gunn of Birmingham, Alabama, as Imperial Debutante Queen; and

WHEREAS, Miss Gunn was crowned on December 26, 1980, at the Imperial Club's 32nd Annual Debutante Ball held at the Albert B. Boutwell Municipal Auditorium and on which occasion the organization presented 44 honorees to society; and

WHEREAS, Miss Gunn's selection from among so many lovely ladies is indeed a tribute to her grace, beauty and charm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Kathrina Denise Gunn and extend our warm congratulations on her selection as the 1980-1981 Imperial Debutante Queen.

BE IT FURTHER RESOLVED, That Miss Gunn receive a copy

of this resolution, as well as her justifiably proud parents, Mr. and Mrs. Aldrich Gunn, that they may know of our praise and of our warm best wishes for every future success.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-110

S.J.R. 49—Mr. Hilliard

SENATE JOINT RESOLUTION

HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, the Alabama Legislature, in high commendation, notes the outstanding career of Dr. Beatryce T. Newton, current Associate Professor of Education at the University of Alabama in Birmingham; and

WHEREAS, a graduate of Miles College where she earned her B.S. Degree, Dr. Newton also holds a Master's Degree from the University of Wisconsin, and her Doctorate which was earned at the University of Alabama; highly qualified for her position through academic excellence, she also is eminently qualified by virtue of her impressive experience in the field of education; and

WHEREAS, Dr. Newton was an elementary classroom teacher for some 13 years in Birmingham, Jefferson County, Chicago and Milwaukee prior to entering the area of higher education as an instructor in Business Education at Lawson State Junior College in Birmingham; she then became associated with UAB, first as an Instructor, then as Assistant Professor of Education for a little more than five years prior to accepting the position she now holds; and

WHEREAS, Dr. Newton has also authored numerous publications in her field, conducted research both through grants and independently, and has rendered meritorious service relevant to her profession, in the field and through university related programs, projects and committee work; and

WHEREAS, a member of Delta Sigma Theta Sorority, a public service organization, she also is a member of the United Negro College Fund and the Urban League; professionally she is affiliated with Phi Delta Kappa Fraternity, having served as Chapter Historian, and with

the American Association for Supervision and Curriculum Development; and

WHEREAS, Dr. Newton's prestigious professional endeavors and accomplishments are truly to be applauded as meritorious in achievement; she is held in high regard and esteem by her peers and is noteworthy in her chosen field for contributions of distinction and merit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Dr. Beatryce T. Newton for outstanding achievement and direct that she receive a copy of this resolution, tendered in gratitude and in high esteem.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-111

S.J.R. 64—Mr. Teague

SENATE JOINT RESOLUTION

HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.

WHEREAS, the Alabama Legislature notes with high praise and admiration that Coach Charles "Chuck" Miller of Talladega High School has entered a most select group of basketball coaches by attaining his 500th victory during a truly remarkable career; and

WHEREAS, a native of Oxford, Alabama, and a graduate of Oxford High School, Chuck Miller graduated from Snead State Junior College, then attended Florida State University; his education, interrupted by military service during the Korean Conflict, was completed at Jacksonville State University; and

WHEREAS, his coaching career began at Alexandria High School in Calhoun County where he remained several years before accepting a position in Winter Garden, Florida, for one year; upon his return to Alabama, he began coaching at Talladega High where he has remained for 19 seasons; and

WHEREAS, during Coach Miller's outstanding career, he has led 18 of 25 teams to 20-win seasons and has taken 7 teams to the state playoffs; his career record stands now at a phenomenal 511-205,

having finished this season 21-9, and his winning percentage is .7136; and

WHEREAS, the highlight of Coach Miller's career, his 500th victory, was in tournament play over Talladega County Training School on December 30, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Charles "Chuck" Miller on his brilliant coaching career, express deep gratitude for his dedicated guidance to young athletes in Alabama, and congratulate him on his 500th career victory as a basketball coach.

BE IT FURTHER RESOLVED, That Coach Miller receive a copy of this resolution tendered in appreciation and praise, and in evidence of our high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-112

S.J.R. 65— Messrs. deGraffenried, Robertson
and Cook

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, with great pride, the Legislature of Alabama heartily congratulates the Tuscaloosa Academy Knights as State Basketball Champions of the Alabama Private School Association; and

WHEREAS, thirty big games, and as many "wins," made for a perfect season for the Knights and the State Crown, as well as the District I title and championships in both the Heritage A and Pickens A Basketball Tournaments; and

WHEREAS, under the talented direction and leadership of Head Coach Scott Brenizer and his assistant coach, Don McNabb, Tuscaloosa Academy's season average was a phenomenal 61.3 points per game to their opponents 38.8; and

WHEREAS, to be highly praised for their individual effort and contributions, all season long, are Academy Knights: Kyle Bryan, Bill

Cooper, Jerry Fritz, Mark Gatewood, Jeff Johnson, Robert Morrow, Marc Mullins, Courtney Smith, Bud Standeffer, Johnny Sumner and Ricky White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Tuscaloosa Academy as the State Basketball Champions of the Alabama Private School Association and heartily congratulate both coaches and team on their perfect season as well as the prestigious title.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster William R. Garrison for appropriate school display with a copy also forwarded to Coach Brenizer on behalf of Coach McNabb and the entire basketball squad.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-113

S.J.R. 66— Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Crimson Tide versus Rutgers University, October 24, 1981, is Homecoming for University of Alabama alumni; and

WHEREAS, Homecoming '81 will be number 24 for Coach Paul Bryant since returning to his alma mater as Head Football Coach in 1958; and

WHEREAS, it is significant to note that since his return, the Crimson Tide has never lost a homecoming game, an outstanding accomplishment for Coach Bryant and his teams of 23 consecutive

victories that have made "Homecoming" at Bama a memorable occasion for more than two decades; and

WHEREAS, in its desire to honor Coach Paul W. Bryant, the Alabama Legislature deems it particularly fitting to pay tribute to our nation's most famous college football coach during homecoming festivities in Tuscaloosa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate October 23, 1981, as Paul W. Bryant Day in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Coach Bryant, in token of this honorary designation executed in sincere appreciation for the fame and honor he has brought not only to the University but to the entire State of Alabama as well.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-114

S.J.R. 68—Mr. Miller

SENATE JOINT RESOLUTION

CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

WHEREAS, Kinston High School is to be congratulated on its outstanding basketball season, one of the best in the school's history and one which led to the coveted 1A High School Championship; and

WHEREAS, under Head Coach Pete Kelly, most ably assisted by Coach Tim Archie, Kinston High ended its regular season with an impressive 20-11 record, and it was a Bulldog Title by virtue of their final tournament win over Courtland High School; it was the third State Championship for the school, having captured the crown last in 1968 as a 2A team; and

WHEREAS, the team's remarkable achievement came as a result of countless hours of dedicated practice by the players who worked together, as one, with a strong sense of team spirit and a high degree of technical skill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly

commend the Kinston High School Bulldogs on their tremendously successful season and heartily congratulate them on winning the State 1A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coffee County School Superintendent John W. Vaughan, also to Principal R. L. Cain for appropriate school display and to Coach Kelly on behalf of his staff and the entire team.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-115

S.J.R. 69—Mr. Miller

SENATE JOINT RESOLUTION

COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, New Brockton High School, traditionally, has produced outstanding basketball teams throughout the years; and

WHEREAS, the New Brockton Gamecocks, once again, have exemplified excellence in athletics and in sportsmanship, culminating an outstanding 20-8 regular season by capturing the State 2A Basketball Championship by virtue of a title victory over Vincent High School on February 28, 1981; and

WHEREAS, this accomplishment must be credited in great measure to Head Coach Charles B. Cole and his assistant, Kenneth Daniels, for their talented direction and leadership which helped develop the high level of technical skill displayed by the Gamecocks throughout the entire season; and

WHEREAS, winning the crown was the direct result of many long hours of hard, dedicated practice and discipline, and each and every member of the team is to be congratulated for his part in the Gamecocks' fine season, and the championship which was the third title for the school, having won the crown last in 1968 as a 1A team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the New Brockton High School Gamecocks on their outstanding season and on their 2A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coffee County School Superintendent John W. Vaughan,

to Principal Stanley H. Walker for appropriate school display, and to Coach Cole on behalf of his staff and the entire team.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-116

S.J.R. 56—Messrs. Proctor and Cook

SENATE JOINT RESOLUTION

HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

WHEREAS, The Alabama Legislature is pleased to note the election of Mrs. Marcia M. Sears as President of the Alabama Press Association for the term of office March 1, 1981 through February, 1982; and

WHEREAS, Mrs. Sears is a graduate of the University of Nebraska with a Bachelor of Arts Degree and studied additionally on a graduate level at the University of Southern California; she is editor of the Shelby County Reporter and also publisher of both the Childersburg Star and the Coosa Press; and

WHEREAS, her business interests extend further to include part ownership in WBYE-Radio, of which she is vice-president, and she is a founder of the Meadowlark Nursery School; she also is a former Instructor of Foreign Languages at the University of Montevallo; and

WHEREAS, Mrs. Sears has served her profession as a member of the Journalism Foundation Board of the Alabama Press Association for a period of four years and as past chairman of the Journalism Hall of Fame of the Association; and

WHEREAS, not only is Mrs. Sears affiliated with numerous professional organizations but with a number of civic and fraternal organizations, as well; and

WHEREAS, upon assuming the Presidency of the Alabama Press Association, Mrs. Marcia Sears will be the first woman to so serve in the history of this organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mrs. Marcia M. Sears as President of the Alabama Press Association and as the first woman to hold this prestigious position.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Sears that she and her husband, Ralph W. Sears, and their family may know of our congratulations, sincere praise and high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-117

S.J.R. 57—Mr. Teague

SENATE JOINT RESOLUTION

HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

WHEREAS, one of Childersburg's most prominent and beloved citizens is Coach John W. Cox who last year retired following a coaching and teaching career which spanned more than three decades; and

WHEREAS, Coach Cox attended Snead Junior College, Jacksonville State Teachers College and the University of Alabama, earning his Master's Degree from Peabody College in Tennessee; he served in the United States Army during World War II, from 1942 to 1944, and for which service he was prestigiously awarded the Bronze Star and the Presidential Unit Citation; and

WHEREAS, his entire professional career was spent at Childersburg High School, beginning in 1947, when he organized the school's first football team and also reorganized the baseball team; his tenure as head football coach is distinguished by his 204-105-16 career record and a 1956 State Championship for Childersburg High; and

WHEREAS, Alabama's 1957 Coach of the Year, John Cox also was named Coach of the Year in Talladega County on nine separate occasions; and

WHEREAS, it is significant to note that during Coach Cox's 33-year tenure, there were 39 scholarships awarded to students of Childersburg High School, 35 of which were football grants-in-aid and, in 1978, the school's stadium was named in his honor, reflecting the gratitude of the town of Childersburg for his professional dedication; and

WHEREAS, a longtime member of the First United Methodist Church of Childersburg, Coach Cox is faithful in attendance and has further served his church as a member of the administrative board

and is a Sunday School teacher of young people for many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Coach John W. Cox and are deeply grateful for his longtime dedicated service as coach and teacher at Childersburg High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Cox in token of our appreciation and in evidence of our high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-118

S.J.R. 58— Messrs. White, Smith, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca, Weeks

SENATE JOINT RESOLUTION

COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

WHEREAS, in its desire to recognize individuals of extraordinary capabilities, the Legislature of Alabama notes with deep appreciation the outstanding service rendered the State of Alabama by Mr. Hoke Kerns as Commissioner of Medical Services Administration; and

WHEREAS, appointed to his position by Governor Fob James, Mr. Kerns took over the directorship of a department that had operated at a deficit for more than eight years; and

WHEREAS, during his tenure from July 1979 through September 1980, Commissioner Kerns, in keeping with his reputation for administrative excellence, rapidly reversed a situation of delinquency

in accounts payable into one which now operates on a sound basis, paying all bills currently and as due; and

WHEREAS, eminently qualified in his field, Mr. Kerns was serving as Executive Vice President of Baptist Medical Center-Princeton, in Birmingham, when he accepted Governor James' appointment to oversee the Medicaid program in Alabama; his resignation was tendered to accept the position of President of the Alabama Hospital Association in which service we wish him every continued success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Hoke Kerns for outstanding service to the State of Alabama as Commissioner of Medical Services Administration.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Kerns as evidence of our warm praise, appreciation and high regard.

Approved March 16, 1981

Time: 8:30 P.M.

Act No. 81-119

S.J.R. 59—Mr. Miller

SENATE JOINT RESOLUTION

COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, Wesley Lance Laird, a student at Lurleen B. Wallace State Junior College, is to be most highly commended for outstanding academic achievement; and

WHEREAS, a graduate of Florala High School, he maintained a grade point average of 95 while, at the same time, participating in numerous school activities; he was Class Salutatorian, newspaper staff editor, Who's Who Among American High School Students, member of the National Beta Club, accompanist for the Florala High Chorus and Ensemble, vice president of both the Florala and Covington County Chapters of FFA, and was Alabama State 4-H president; and

WHEREAS, since his matriculation at Lurleen B. Wallace State Junior College, Wesley Laird has become a member of Phi Theta Kappa honor fraternity, Phi Beta Lambda Business Club and Mu Alpha Theta Math Society; he also is vice president of the Collegiate Civitans, Who's Who Among American Junior College Students and

has attained an overall 3.917 grade point average of a possible four points; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That for outstanding academic achievement and active participation in extracurricular affairs, we most highly praise and commend Wesley Lance Laird of Florala, Alabama, to whom a copy of this resolution shall be sent.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-120

S.J.R. 60— Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague Vacca, Weeks and White

SENATE JOINT RESOLUTION

EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

WHEREAS, One of the most valuable assets in the office of the Lieutenant Governor for the past two years has been the charming presence of Alice Jo Burton at the front desk; and

WHEREAS, Jo is leaving on Saturday, February 28, 1981, to move to the State of Washington to be married to her old high school sweetheart, Bobby Hendrix; and

WHEREAS, It has been the privilege of all of us in the Legislature to know Alice Jo and work with her; her efficiency, gracious manner, and charming personality will long be remembered; and

WHEREAS, She leaves us with the best wishes of all of us for her new life as Mrs. Alice Jo Hendrix in the Northwest; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish

Alice Jo Burton godspeed on her journey, and all happiness in her upcoming marriage to Mr. Hendrix.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Alice Jo Burton.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-121

S.J.R. 61— Mr. Robertson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the death of Dr. Ralph Dempsey Brown of Tuscaloosa, Alabama, on July 13, 1980, at the age of 61; and

WHEREAS, a veteran of the United States Army during World War II, Dr. Brown was a chiropractor in Tuscaloosa following his graduation from Palmer Chiropractic College in Davenport, Iowa; a former two-term member of the Alabama Legislature, he also served with Senator Ed Robertson in the Alabama House of Representatives; and

WHEREAS, long and deeply involved in civic and community affairs, he was a member of the Southside Lions Club, Von Bayer Masonic Lodge #699, Tuscaloosa Shrine Club, Chiropractic Society, Tuscaloosa County Singing Convention, American Legion, Disabled American Veterans, the Moose Lodge and the Northwood Hills Baptist Church; and

WHEREAS, Ralph Dempsey Brown, or "Doc" Brown as he was widely known, also served as Tuscaloosa County Tax Collector for a period of seven years, from October 1, 1973, until his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Dr. Ralph Dempsey Brown and extend our most heartfelt sympathy to his wife, Mrs. Bernice B. Brown, to their children and other family members to whom copies of this resolution shall be sent.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-122

S.J.R. 62— Messrs. Little, Higginbotham, Kirkland, Bailey, Barron, Brittnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Hilliard, Holmes, Keener, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

WELCOMING COACH PATRICK DYE TO ALABAMA AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

WHEREAS, Auburn University is nationally recognized for the quality and tradition of its athletic and academic programs; and

WHEREAS, Patrick Fain Dye was appointed head football coach at Auburn University on January 2, 1981, after compiling a record as head coach at two outstanding universities of fifty-four wins and twenty-two losses; and

WHEREAS, Coach Dye was a two-time All-American guard at the University of Georgia and co-captain of the 1960 team, and an academic All-American in 1959 and 1960; and

WHEREAS, Coach Dye has distinguished himself on and off the athletic field because of his belief in discipline, hard work, the desire to excel, and his concern for young athletes as people, and his superior knowledge of football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome Coach Dye, his wife, Sue, and their four children to Auburn University and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Dye and his family, and the Board of Trustees of

Auburn University so that they may be aware of this body's sincere welcome and high regard.

Approved March 16, 1981

Time: 8:30 A.M.

Act No. 81-123

S. 6—Mr. Gulledge

AN ACT

To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Baldwin County, and the method of disbursement thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the Senate February 24, 1981

Passed the House March 5, 1981

Act No. 81-124

H. 298—Rep. Manley

AN ACT

To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to be Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT TO
ARTICLE XIV, SECTION 264
CONSTITUTION OF ALABAMA, 1901

Section 264. The state university shall be under the management and control of a board of trustees, which shall consist of two members from each congressional district in the state, an additional member from the congressional district which includes the site of the first campus of the university, the superintendent of education, and the governor, who shall be *ex officio* president of the board. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. The additional trustees provided for by this amendment shall be elected by the existing members of the board, and confirmed by the senate in the manner provided below, for initial terms of not more than six years established by the board so that one term shall expire each three years in each congressional district. Successors to the terms of the existing and additional trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the Board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of additional and successor trustees or of trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any trustee so elected shall hold office from the date of election until confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which elected, and until a successor is elected. At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legisla-

ture, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a trustee, the board, if it desires, may bestow upon a trustee the honorary title of trustee emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House February 12, 1981

Passed the Senate as amended March 17, 1981

House concurred in Senate Amendment March 17, 1981

Act No. 81-125

S. 101—Mr. Proctor

AN ACT

Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, Section 7, and Section 9 of Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), is hereby amended to read as follows:

"Section 6. There shall also be taxed as costs in cases hereafter filed in the District Court of the County the sum of Six Dollars (\$6.00) in each criminal case, in each juvenile case and in each civil case in which the amount in controversy exceeds \$100.00, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk or other collecting officer of said Court shall be paid by him to the General Fund of the County.

"Section 7. There shall also be taxed as costs the sum of Seven Dollars (\$7.00) in each case hereafter filed in each Municipal Court in Talladega County and in each case or proceeding hereafter filed in the Probate Court of said County, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk or other collecting officer of said Court shall be paid by him to the General Fund of the County.

"Section 9. The sums herein provided for in Section 5, Section 6 and Section 7 shall be used by the county governing body for the support and maintenance of the Public Law Library provided for herein, and for the support and improvement of law enforcement and juvenile justice within the county."

Section 2. If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 81-126

S. 318—Mr. Little

AN ACT

Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In the City of Auburn in Lee County, in addition to any and all other taxes heretofore levied, there is imposed an additional ad valorem tax in the amount of 16 mills on each dollar of taxable property. Said tax shall be earmarked to the City Board of

Education to be used exclusively for public education funding. The additional ad valorem tax imposed by this Act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

Section 2. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside within the corporate limits of the City of Auburn in Lee County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on special school taxes, and shall be held on Tuesday, May 26, 1981. Notice of the election shall be given as are other municipal elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law passed at the 1981 Regular Session of the Legislature, pursuant to a resolution adopted and approved by the city council of the City of Auburn, Alabama, which imposes an additional ad valorem tax in the amount of 16 mills on each dollar of taxable property, to be used by the City Board of Education for educational purposes? Yes () No ().”

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect on October 1, 1981. If a majority of the votes cast are in the negative, the Act shall have no effect. The City Manager of the City of Auburn shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 81-127

H. 443—Reps. Starkey, Greer

AN ACT

Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the trial by jury in the circuit courts of the

Eleventh Judicial Circuit of any person indicted for a misdemeanor, or a felony not punished capitally, or upon appeals to the circuit courts from lower courts, the court shall require two lists of all the regular jurors empaneled for the week who are competent to try the defendant to be made, and the district attorney shall be required to strike from the list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these twelve jurors thus selected shall be the jury charged with the trial of the case.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 81-128

H.J.R. 116—Rep. Ford

HOUSE JOINT RESOLUTION

NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

WHEREAS, Willie J. Carnes is now serving his third consecutive term as Mayor of the City of Attalla; he previously served two terms, from 1960 until 1968, as a member of the Attalla City Council; and

WHEREAS, a jeweler and watchmaker for some twenty years, Mayor Carnes also was employed for eight years as Transportation Supervisor for the Etowah County Board of Education; and

WHEREAS, Mayor Carnes has also long evidenced his civic concern as a member of the Attalla Chamber of Commerce and through his deep involvement in the affairs of the Stowers Hill Baptist Church of Attalla; and

WHEREAS, a Mason and a member of the American Legion, Mayor Carnes is one of his community's most prominent citizens and it is deemed appropriate by the Alabama Legislature that he be honored for his contributions to the City of Attalla and the well-being of all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the city recrea-

tion building located at 612 Case Avenue, Attalla, Etowah County, Alabama, is hereby named and designated as the "Willie Carnes Recreation Building."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as the "Willie Carnes Recreation Building."

RESOLVED FURTHER, That Mayor Carnes receive a copy of this resolution as a memento of this honorary designation and in token of our high regard.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 81-129

H.J.R. 120—Rep. Williams

HOUSE JOINT RESOLUTION

HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

WHEREAS, the Legislature of Alabama acknowledges both academic and athletic achievement on the part of the youth of this great State; and

WHEREAS, the Lady Warhawks, representing the Daleville High School, from the City of Daleville, Alabama, House District 72, have distinguished themselves as accomplished participants in the art of basketball, advancing to State level competition by first winning the Region II, Class IIIA Tournament and the Area Championship; and

WHEREAS, the many hours of vigorous practice have been rewarded through lofty distinctions gained in competition, and their humility of character has established these young citizens as worthy ambassadors, disseminating good will wherever they have traveled; and

WHEREAS, behind all successful endeavors, quality in leadership is prevalent; excellent coaching, talented participants, responsive administration and loyal supporters are the ingredients to successful athletic attainment, and this program has it all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we desire to

show our appreciation to the Daleville High School Lady Warhawks for their many outstanding accomplishments and wish them well as they continue in their development.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 80-130

H.J.R. 123—Rep. Harvey

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

WHEREAS, The Legislature of Alabama has grievously noted the death of Mr. Claude Ray Marsh of Trafford, Blount County, Alabama on January 11, 1981, at the age of just 48 years; and

WHEREAS, Mr. Marsh, who was tragically killed in an automobile accident, was a partner and vice president of Calvert and Marsh Coal Company, Incorporated, which is one of Blount County's largest employers and as such, has been long and substantially beneficial to the economy of that area of our state; and

WHEREAS, in further responsible concern for the well being of his county and State Mr. Marsh served on the Board of Directors of Central Bank and on the Alabama State Docks Board; he was a member also of the Oneonta Rotary Club, Locust Fork Masonic Lodge and Center Hill Presbyterian Church; and

WHEREAS, Mr. Marsh's death has indeed left a deep void in the community he served so responsibly and for so many years, always exhibiting genuine interest and concern for his beloved community and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Claude Ray Marsh of Blount County, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Rebecca Calvert Marsh, and their children, to his parents, Mr. and Mrs. R. E. Marsh, and other family members to whom copies of this resolution shall be sent, evidencing our shared sorrow and concern in their great loss.

Approved March 18, 1981

Time: 4:00 P.M.

Act No. 81-131

H.J.R.—132—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Tuesday, March 17, we adjourn to meet again on Thursday, March 19; when we adjourn on Thursday, March 19, we adjourn to meet again on Tuesday, March 24; when we adjourn on Tuesday, March 24, we adjourn to meet again on Thursday, March 26; and when we adjourn on Thursday, March 26, we adjourn to meet again on Tuesday, March 31, all dates hereinabove stated being in the year 1981.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-132

H. 229—Reps. Harper (T), Turner

AN ACT

To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Finding — The Legislature of the State of Alabama hereby declares and finds that the business of operating massage parlors as defined herein are businesses affecting the public health, safety, and general welfare; that such businesses have been used in Mobile County and elsewhere as fronts for the conduct of prostitution, assignation, and lewdness; that the method of operation of such business generally is such that female persons bargain with male customers for illicit sexual activities, including prostitution and sodomy, only after performing so-called massages while the male customer is nude, and after engaging the customer as part of the so-called massage in sexual foreplay to the point of sexual arousal; that because of said method of operation the gathering of evidence by law-enforcement officers sufficient for said officers to make an arrest or to institute some other civil proceeding requires male officers to pose as customers, and to perform degrading, demeaning, compromising, and unethical acts, to wit: becoming nude in the performance of his duty, submitting to an erotic massage, and engaging in sexual foreplay to the extent of sexual arousal, all of which invades the officer's right of privacy, and interferes with, or potentially interferes with, the officer's family relationship; and that in order to provide for effective enforcement of the laws of the State of Alabama

concerning prostitution, assignation, and sodomy, and to protect the public interest, health, safety, and general welfare, it is necessary that bisexual and genital massage be prohibited and that such businesses be regulated in order to prevent their use for unlawful and illegal activities, and in order to protect the public health and safety.

Section 2. The following words and terms when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them by this section:

(A) **Massage Parlor.** The phrase "massage parlor" shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic, and non-chiropractic manipulative exercises, massages or procedures are practiced upon the human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises, or similar services are offered.

(B) **Masseur and Masseuse.** The term masseur (male) and masseuse (female) is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, coorrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

(C) The word "establishment" shall mean a place of business or operation of any kind.

(D) The word "person" shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

Section 3. It shall be unlawful for any person to operate a massage parlor as herein defined without first having acquired from the County governing body a license for the operation of said business as required by this act.

Section 4. Health and Sanitary Requirements. Any massage parlor licensed by the county governing body shall at all time comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the State Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized county officials for the purpose of assuring compliance

with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily available toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

Section 5. Cleanliness. (A.) No towels, wash clothes, or other linen items shall come in contact with the body or any other part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since used last.

(B.) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(C.) Any person while applying or administering massage shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the person or customer shall be protected from bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering said massage.

(D.) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings, and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

Section 6. Not to be Used as Dormitory. No massage parlor shall be used as and for dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

Section 7. Massages at Licensed Locations Only. No massages shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

Section 8. Treatment. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

Section 9. Health Examination. Subsequent to the effective date of this act, it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor within the county without first, and within six months from the date thereof, having secured a written verification from a licensed Alabama physician that the said person or employee is free of any

contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

Section 10. It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor within the county except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any county official and to any law-enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor within the county to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the county governing body for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor or any similar type business within the county, where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this act shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both; and in addition, final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall be thereafter be issued by the county governing body for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant or person employed in a massage parlor within the county to massage or in any way touch the genital organs of another in connection with any massage or any other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another

in connection with such a massage.

Section 14. Revocation of License. Any license issued hereunder by the county governing body upon the violation of any section, requirement, or provision of this act by the licensee or any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said county governing body. Written notice of any violation hereunder and any hearing thereon before the county governing body may be given to licensees by delivering said notices by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to the licensee at the licensed premises, not less than (10) ten days prior to such hearing before the county governing body and the licensee may present such evidence as he shall wish to the said governing body. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Penalties. Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or six (6) months in jail, one or both.

Section 16. Severability Clause. It is hereby declared to be the intention of the Legislature, that the sections, paragraphs, sentences, clauses, and phrases of this act are severable; and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this act, since the same would have been enacted by the Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-133

H. 397—Reps. Starkey, Coburn

AN ACT

Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), relating to the City of Florence, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-134

H. 476—Reps. Greer, Coburn, Starkey

AN ACT

Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Killen in Lauderdale County are hereby altered and rearranged to include the following described territory, to-wit:

A tract of land in the N½ of Section 30, Township 2 South, Range 9 West, in Lauderdale County, Alabama, more particularly described as follows, to-wit: Begin at a point on the north line of said Section 30 and on the present south Corporate Limit line of the Town of Killen, Alabama, said point being where the centerline or thread of Sixmile Creek crosses the said Corporate Limit Line; run thence N 87 degrees 30' E along said line and along the north line of Mountainbrook Subdivision for 1108.5 feet to the NE corner of Lot 36, said Mountainbrook Subdivision (See Plat Book 4 at Page 18, Probate Records of Lauderdale County); continue thence along said Section

line for 1350 feet to the NE corner of the NW¼ of the NE¼ of Section 30, said being also the NE corner of Lot 11, Mountainbrook Subdivision Addition One (See Plat Book 4 at Page 159, said Probate Records); run thence South for 1800 feet to the SE corner of Lot 13, Mountainbrook Subdivision Addition Two; (See Plat Book 5 at Page 12, said Probate Records); run thence West for 480 feet to the SW corner of Lot 14, said Mountainbrook Subdivision Addition Two; run thence North for 1011.41 feet; thence N 17 degrees 19' 43" E for 67.15 feet; run thence North for 224.49 feet to a point which is the SW corner of Lot 15, Mountainbrook Subdivision Addition One; run thence S 82 degrees 00' W for 707 feet to a point; run thence West for 220 feet to the West line of the NE¼ of said Section 30; run thence N 4 degrees 00' W for 300 feet to the South line of Joan Lane; run thence S 87 degrees 30' W along the South line of Joan Lane for 660 feet; run thence S 4 degrees 00' E for 660 feet to the eastwardly line of Brookside Drive; run thence along said Brookside Drive for 365.15 feet; run thence N 87 degrees 30' E for 515.07 feet to the east line of said NW¼; run thence S 4 degrees 00' E for 1350 feet to the SE corner of said NW¼ thence run south 87 degrees 30' W for 100 feet, more or less to the centerline of Sixmile Creek (Wilson Lake Embayment); run thence northwardly along the meanderings of said centerline of 3100 feet, more or less to the point of beginning, it being the intent herein to describe the composite of Mountainbrook Subdivision, Mountainbrook Subdivision, Addition One and Mountainbrook Subdivision Addition Two, all in their entirety.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-135

H.J.R. 134—Rep. Ward

HOUSE JOINT RESOLUTION

DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

WHEREAS, The Garden Club of Alabama, Inc., with member clubs throughout the entire State of Alabama, number approximately 10,000 adult members and 1,000 youth gardeners; and

WHEREAS, through the years this organization has been vitally

interested in the promotion of gardening in all aspects, growing for beauty, shelter and food; and

WHEREAS, The National Council of State Garden Clubs, Inc., of which The Garden Club of Alabama, Inc., is a member, is vitally interested in having the first week in June each year officially designated "National Garden Week" by an act of the United States Congress, to draw attention to all phases of agriculture and so honor those therein engaged; and

WHEREAS, The Garden Club of Alabama, Inc., has expressed a desire that the first week in June each year be observed as Alabama Garden Week, in recognition of gardening interests within our own state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the first week in June each year is hereby designated as Alabama Garden Week and is to be so observed in annual recognition of gardening interests within the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Arthur J. McCrary, president, on behalf of the membership of The Garden Club of Alabama, Inc.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-136

H.J.R. 135—Rep. Mitchell

HOUSE JOINT RESOLUTION

NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

WHEREAS, the beloved Chief Executive of the State of Alabama, Governor Lurleen Burns Wallace, died in office on May 7, 1968, at the early age of just 41 years; and

WHEREAS, much admired and respected and deeply loved by all who were privileged to know her, Governor Lurleen lives yet in the hearts of her people as a cherished memory to be honored by the grateful citizens of the State of Alabama; and

WHEREAS, Governor Lurleen Wallace, a native of Tuscaloosa County, was a graduate of Tuscaloosa County High School and it

is deemed befitting by the members of this body that her memory be honored by the designation of the library at said school as the "Lurleen B. Wallace Memorial Library"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Tuscaloosa County High School is hereby named and designated as the "Lurleen B. Wallace Memorial Library."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said library, and that the family of the late Governor Wallace be notified, by copy of this resolution, of these actions of the Alabama Legislature perpetuating the memory of our beloved Governor Lurleen.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-137

H.J.R. 136—Rep. Adams (C)

HOUSE JOINT RESOLUTION

RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Phenix City community has produced many outstanding athletes who have achieved greatness and national acclaim, bringing great credit upon themselves, their parents, coaches, teachers, church and civic leaders of Phenix City and Russell County, and to the State of Alabama as a whole; and

WHEREAS, the preponderance of these fine athletes have given first loyalty to their own people and institutions, electing to attend college in their native State of Alabama; and

WHEREAS, one of these outstanding young citizens of Phenix City, Billy Jackson, is completing his college athletic career in this 1980-81 academic year; and

WHEREAS, Billy Jackson cast his lot with the University of Alabama, the state's oldest and most revered institution, and is capping his brilliant career in the Sesquicentennial Year (150th anniversary) of The University of Alabama; and

WHEREAS, the immortal Coach Paul William "Bear" Bryant said of Billy Jackson that he "... is a tremendous football player, but more importantly, he is a class person and one of the finest student athletes we have had the privilege of having in our program. His

contributions to our athletic program and The University of Alabama will long be remembered. He was one of the most coachable players we've had around here, too, and that speaks well for his background and the people who had a hand in molding him before he came to us"; and

WHEREAS, these most laudatory remarks by his great coach are well supported by the statistics which he compiled — the starter of every game in his junior and senior years, leading ground gainer for the Crimson Tide during the 1980 season, runnerup in the Most Valuable Player balloting in the 1980 Sugar Bowl victory over Arkansas, 5.2 yards average gain for each time he carried the ball, and winning grades for his blocking in every game; and

WHEREAS, he was selected by the South coaching staff to play in the prestigious Senior Bowl at Mobile, Alabama, a contest reserved for the most outstanding graduating college seniors in the game; and

WHEREAS, during his four years, he helped the Crimson Tide to record a national record-setting 44 victories; and

WHEREAS, his efforts to assist his teammates in winning two national championships, extending the number of consecutive bowl appearances to 22 and the number of consecutive wins in Bryant-Denny Stadium to 52 are deserving of the highest recognition of the Legislature of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we formally recognize the great achievements of Billy Jackson and express our profound gratitude to this fine student athlete for the great credit he has bestowed upon himself and to all who have shared in his upbringing.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Billy Jackson of Phenix City, Alabama.

Approved March 20, 1981

Time: 3:00 P.M.

HOUSE JOINT RESOLUTION

RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Phenix City community has produced many outstanding athletes who have achieved greatness and national acclaim, bringing great credit upon themselves, their parents, coaches, teachers, church and civic leaders of Phenix City and Russell County, and to the State of Alabama as a whole; and

WHEREAS, the preponderance of these fine athletes have given first loyalty to their own people and institutions, electing to attend college in their native State of Alabama; and

WHEREAS, one of these outstanding young citizens of Phenix City, Ken Johnson, is completing his college athletic career in this 1980-81 academic year; and

WHEREAS, Ken Johnson cast his lot with The University of Alabama, the state's oldest and most revered institution, and is capping his brilliant career in the Sesquicentennial Year (150th anniversary) of The University of Alabama; and

WHEREAS, during his four years at The University of Alabama, Ken Johnson has performed outstandingly on the basketball court, striking fear into opposing coaches and players; and

WHEREAS, Ken's determined and skillful play on the court and exemplary conduct off the court brought him the highest respect of his teammates, the student body, and the staff and faculty of The University of Alabama; and

WHEREAS, his graceful ball-handling, finesse, and skillful shooting prompted his teammates to give him the endearing title of "Silk"; and

WHEREAS, Coach Wimp Sanderson, who lavishes his praise only on those who truly deserve it, stated of "Silk" that "Ken has started every game since coming to Alabama as a freshman and has played a key role in the success of our program. He has shown maturity, leadership, and is a perfect gentleman off the court. He is genuinely respected by the student body and obviously by his teammates, who elected him co-captain in both his junior and senior years"; and

WHEREAS, he was an unselfish team player, taking only those shots that the principles of the game dictated that he take, and yet the records reflect that he was one of the Crimson Tide's all-time scoring leaders; and

WHEREAS, Ken "Silk" Johnson and his teammates extended the number of Crimson Tide winning seasons to 10 in a row, while engaging the nation's top basketball powers, bringing national prominence to Alabama basketball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we formally recognize the great achievements of Ken Johnson and express our profound gratitude to this fine student athlete for the credit he has bestowed upon himself and to all who have shared in his upbringing.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Ken Johnson of Phenix City, Alabama.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-139

H. 576—Rep. Dial

AN ACT

To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the Collection of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of ten cents per acre to be paid by the owners of forest lands located in Cleburne County, Alabama, for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Cleburne County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax, the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes, and redemption from such sale may be

affected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 3. The County governing body of Cleburne County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Cleburne County, to determine the area and owners thereof, and report the same to the Tax Assessor of Cleburne County who shall be authorized, after notice by certified mail to such owners, and hearing before the County governing body is so requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said County governing body.

Section 4. The tax herein imposed shall be due and payable to the State Department of Revenue, and shall, when collected, be paid by such department into the State Treasury, and accredited to Cleburne County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Cleburne County.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-140

H.J.R. 69— Reps. Bedsole, Roberts, Dixon,
Johnson (R. G.)

HOUSE JOINT RESOLUTION

MEMORIALIZING THE UNITED STATES CONGRESS TO
CONSENT TO ALABAMA AND THE VARIOUS STATES EN-
TERING INTO REGIONAL COMPACTS OR AGREEMENTS TO
RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOAC-
TIVE WASTE DISPOSAL.

WHEREAS, the Alabama Legislature has diligently studied during the last two years the complex facets of the management, transportation, storage and disposal of radioactive low-level wastes, and has taken testimony from many experts and inspected many facilities therefor; and

WHEREAS, the critical area of the safe and efficient management, transportation, storage and disposal of such wastes directly affects the health and welfare of every citizen of Alabama and indeed all citizens of the United States of America; and

WHEREAS, the 96th Congress in its Second Session, November 20, 1980, did enact legislation authorizing the various states to enter into regional compacts, over five-year periods, to cooperatively manage certain types of low-level waste and excluding others; and

WHEREAS, the Secretary of the Department of Energy is directed to report to the Congress and each state, thereby enabling the various states to respond to the regional disposal concept contained in said legislation, and to consult therefor with the Governors of the States, among others; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body does memorialize the Congress to consent to Alabama and the several states entering into regional compacts or agreements, consistent with the federal legislation enacted November 20, 1980, (appearing in the Congressional Record, Vol. 126, No. 177, December 13, 1980), to explore the safe and efficient management of low-level radioactive waste disposal on a regional basis.

BE IT FURTHER RESOLVED, That the Secretary of the Department of Energy is respectfully requested to report to the Honorable Fob James, Governor of the State of Alabama, and the presiding officer of each house of the Alabama Legislature of the progress and developments in establishing the guides, policy and framework whereby two or more states may cooperate as party states in resolving the problems related to low-level radioactive wastes and acknowledge by compact their respective responsibilities therefor.

RESOLVED FURTHER, That a copy of this Resolution shall be sent forthwith to the Alabama Congressional delegation, the Presiding Officer of both Houses of Congress, the Secretary of the United States Department of Energy, the National Conference of State Legislatures, and the Honorable Fob James, Governor of the State of Alabama.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-141

H.J.R. 70— Reps. Bedsole, Roberts, Dixon,
Johnson (R.G.)

HOUSE JOINT RESOLUTION

URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

WHEREAS, The Alabama Legislature recognizes that the management and the transportation, storage and disposal of low-level radioactive wastes in a safe and efficient manner is directly related to the health and welfare of every citizen of this state; and

WHEREAS, this body recognizes the many benefits in medicine, energy and science that result from the correct use of certain materials which generate low-level radioactive waste; and

WHEREAS, the complex area of safe and efficient management of such wastes is being probed and diligently studied by each state and the United States Government; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do urge Governor Fob James to enter into a conference with other governors and the federal government for Alabama's participation on a cooperative basis in the development and establishment of a regional compact for the safe and efficient management of low-level radioactive waste and related matters, in order to protect the health and welfare of our citizens.

RESOLVED FURTHER, That the Alabama Legislature respectfully requests that Governor Fob James apprise, in writing, the presiding officer of each house the progress and findings in such conference or meetings with party states within ten days after such conference or meeting in order for the appropriate legislative committees to respond.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution forthwith to The Honorable Fob James, Governor of the State of Alabama.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-142

H.J.R. 151—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

WHEREAS, the Pinson Valley High School won its second straight 3A State Wrestling Championship; and

WHEREAS, the Pinson Valley Wrestling Team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coach Charlie Bruce is due much credit not only for the high degree of technical skill displayed by the team but also for their fine spirit and their will to win, which is necessary in this type of effort; and

WHEREAS, the members of this team have shown the attributes of devotion to duty and desire to win that will stand them in good stead throughout their life and ought to be commended on their achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily commend the Pinson Valley High School Wrestling Team for winning its second straight 3A State Wrestling Championship and we do heartily congratulate Coach Charlie Bruce and the members of the wrestling team, viz: Travis Fox, Clint Nail, Joey Maryanow, Barry Dunn, Steve Davis, Larry Sanford, Richard Cowden, Jay Cherry, Ricky Porter, Jeff Sims, Bryan Hoyt, Bill Whilden, Mark Johns, Jesse Turner, Joseph Gregg, and Steve Burroughs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bruce on behalf of the team, with a copy also provided for appropriate school display.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-143

H.J.R. 152—Rep. Parker

HOUSE JOINT RESOLUTION

HONORING MARISA GARDNER OF CHICKASAW, ALA-

BAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

WHEREAS, Marisa Gardner has been a long time and active resident of Chickasaw, Alabama; and

WHEREAS, her involvement and unselfish dedication of time and effort to further Environmental Education among all citizens of Mobile County is well known to all; and

WHEREAS, her hard work, study, devotion, research and educational efforts on environmental issues have brought her recognition as one of the most knowledgeable citizens in this important field; and

WHEREAS, she has returned to her work in the environmental field following a brief illness; and

WHEREAS, all residents of Chickasaw, Alabama, and Mobile County have benefited greatly from her untiring dedication to the improvement of our environment; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marisa Gardner be commended for her efforts to improve our environment through the education of all individuals on environmental concerns.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Marisa Gardner.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-144

H.J.R. 153—Rep. Moore

HOUSE JOINT RESOLUTION

HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY

WHEREAS, James Hughston Sharbutt was born on the 31st day of August, 1917 in Shelby County, Alabama, being the first and only male child of Ira Leroy Sharbutt and Lillie Mae Cospers Sharbutt; and

WHEREAS, he graduated from Vincent High School in 1934 and the University of Alabama School of Law in 1950; and

WHEREAS, he practiced law from 1950 to 1967 principally in Shelby and Talladega Counties; and

WHEREAS, Judge Sharbutt served as Mayor of Vincent from 1949 to 1967 where he was a prominent and influential leader in the civic, social and religious life of his community; and

WHEREAS, he served as District Attorney of the Eighteenth Judicial Circuit, Clay, Coosa and Shelby Counties, from 1967 to 1971, where he was known as a highly competent and fearless prosecutor; and

WHEREAS, Judge Sharbutt served as Circuit Judge of the same circuit and counties from 1971 to 1980 where he established a record as one of the State's outstanding Circuit Judges; and

WHEREAS, Judge Sharbutt retired from The State Judiciary on the 7th day of January, 1980 and thereafter aided, assisted and became a constant companion to his faithful and beloved wife Virginia Lee Stallworth, who departed her natural life on the 5th day of January, 1981 after a seven-year battle with cancer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge James Hughston Sharbutt for extraordinary service as a State District Attorney and Circuit Judge; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he may know of our esteem and deep appreciation for his years of service to the State of Alabama.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-145

H.J.R. 154—Rep. Moore

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT

WHEREAS, The State of Alabama, Shelby County and The Vincent Community suffered a distinct loss in the death of Virginia Lee Stallworth Sharbutt, on January 5, 1981; and

WHEREAS, Mrs. Sharbutt was a loyal alumnus of Alabama College, now University of Montevallo, having graduated from that institution with a bachelor of science degree in 1937; and

WHEREAS, Mrs. Sharbutt had been employed by The Shelby

County Board of Education and taught Vocational Home Economics at Vincent High School for twenty years; and

WHEREAS, Mrs. Sharbutt was a devoted community builder who served as Vincent's first Woman Mayor, Chairwoman of The Water Works Board, and charter member of The Library Board; and

WHEREAS, Mrs. Sharbutt was a prominent and influential leader in the civic, social and religious life of her community, giving freely of her time and energy to these institutions; and

WHEREAS, The State of Alabama, Shelby County and The Vincent Community will miss Virginia Lee Stallworth Sharbutt for whom we have long admired and respected as a Christian, Teacher, Mayor and Civil Servant; and

WHEREAS, Mrs. Sharbutt is survived by her husband, Judge James Hughston Sharbutt, her aunts, Ruby Ferguson Stallworth, Mamie Ferguson Smith, Mary Stallworth Swain, and many other relatives and a host of friends who mourn her death; Now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mrs. Virginia Lee Stallworth Sharbutt and extend our sincere and heartfelt sympathy to the surviving members of her family to whom copies of this resolution shall be sent.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-146

S.J.R. 77—Messrs. Miller and Cook

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

WHEREAS, Brookwood Health Services, Inc., ("Brookwood") is the largest investor owned provider of health services in Alabama owning or operating hospitals either directly or pursuant to management contracts which facilities contain approximately 841 beds; and

WHEREAS, many citizens of the State have complained about the high cost of hospitalization and the inadequate health care ser-

vices provided in hospitals; and

WHEREAS, a foreign corporation has offered to purchase all of the issued and outstanding capital stock of Brookwood tendered on or before April 8, 1981; and

WHEREAS, if such foreign corporation purchases a controlling interest in Brookwood, the cost of hospitalization in formerly Brookwood owned facilities could be tremendously increased and the quality of health care services in Alabama could be decreased; NOW, THEREFORE, BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that there is hereby created a select committee to be comprised of four members of the House and four members of the Senate provided that one such member from the House and one such member from the Senate shall represent the constituents of Coffee County, to be appointed by the presiding officers of each house.

The Chairman and Vice Chairman of the committee shall be elected at the first meeting thereof by the members of the committee. The committee shall investigate the potential effect on the cost of hospitalization and the provision of health care in Alabama which might occur in the event a foreign corporation purchases a controlling interest in any health care facility in this State. The Attorney General shall provide the committee with legal advice if requested. The committee shall report to the Legislature on the last day of the 1981 Regular Legislative Session, after which the committee will expire.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-147

S.J.R. 86— Messrs. Cook, Parsons, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White

COMMENDING U.A.B. BASKETBALL TEAM

WHEREAS, the University of Alabama-Birmingham basketball team has advanced to the Mideast Regional Semi-finals of the National Collegiate Athletic Association 1981 basketball tournament; and

WHEREAS, the U.A.B. Blazers have played brilliantly in defeating Western Kentucky University and stunning national powerhouse University of Kentucky; and

WHEREAS, the citizens of Alabama are proud of the Blazers accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the U.A.B. Blazers basketball team and its fine coach, Gene Bartow.

BE IT FURTHER RESOLVED, That in order that the Blazers may know of the legislature's pride in them and our support for them in the upcoming games, a copy of this resolution shall be sent to the team.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-148

S.J.R. 87—Mr. Bailey

SENATE JOINT RESOLUTION

COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

WHEREAS, Miss Terri DeVane of Dothan, Alabama, the daughter of Mr. and Mrs. D. J. McDaniel, and sponsored by the Twitcheil Corporation in the state finals, was recently crowned as the 1981 Alabama Textile Queen during the annual pageant held in Montgomery; and

WHEREAS, the beautiful, poised, personable and articulate Miss DeVane travels throughout the Southeast representing the largest industrial employer in Alabama; and

WHEREAS, the talented Miss DeVane, a senior at Auburn University, majoring in mass communications-public relations, has won numerous honors and titles; and while attending Dothan High School, her honors included being a featured twirler for three years, band, choir, Student Action for Education; and

WHEREAS, at Auburn University, Terri will soon begin her fourth year as a majorette and a member of the band. She is a member of the Phi Mu Sorority, Lambda Chi Alpha Little Sister; and is a baton instructor for National Band Front Clinics; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we sincerely commend Miss Terri DeVane for being selected the 1981 Alabama Textile Queen and wish this beautiful and talented young lady from Dothan, the best in all her future endeavors.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-149

S.J.R. 52—Mr. Teague

SENATE JOINT RESOLUTION

PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, SJR 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, HJR 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study has dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-150

S. 110—Mr. Keener

AN ACT

Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. Persons who have served as district attorneys in Etowah County and who are in all manner and respects entitled to status as supernumerary district attorneys under the general law of the state and who have elected to become supernumerary district attorneys pursuant to such general law shall be entitled to receive total compensation in such amounts as shall be set from time to time for supernumerary circuit judges. Each such supernumerary district attorney shall be paid as a supplement from the general funds of the county in addition to all sums received from state funds such funds, if any, as shall be necessary so that his total compensation for services as a supernumerary district attorney shall be in amount equal to that received by persons who have elected to become supernumerary circuit judges under the general law of the state.

Section 2. All laws or parts of laws in conflict herewith are repealed.

Section 3. Should any part of this act be declared unconstitutional, the part which remains shall not be affected.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-151

S. 165—Mr. Keener

AN ACT

Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In Etowah County, in addition to the compensation paid any returning officer, the county governing body shall supplement the mileage allowance, already provided for by the general law for each such officer, to pay each a total of \$0.15 per mile in going to the courthouse and returning to the place of holding the election.

Such supplement shall be paid from funds out of the county treasury not otherwise appropriated. Provided, however, in the case of municipal elections within said county, such supplements for returning officers shall be paid out of municipal funds, not otherwise appropriated, by the municipal governing body.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 20, 1981

Time: 3:00 P.M.

Act No. 81-152

S. 154—Mr. Denton

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

Revenue bonds or other revenue securities at any time issued by a county for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such county shall not be deemed to constitute bonds or indebtedness of such county within the meaning of Sections 222, 224 or Amendment No. 342 of this Constitution, if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing county and are made payable solely out of revenues derived from the operation of any one or more of such systems.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the Senate as Amended February 24, 1981

Passed the House as Amended March 19, 1981

Passed the Senate as Amended by Conference Committee Report,
March 19, 1981

Passed the House as Amended by Conference Committee Report,
March 19, 1981

Act No. 81-153

S. 392—Mr. McDonald

AN ACT

To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that it is in the best interest of the people of Alabama to place Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration in order to recognize and emphasize the strengths of each institution, improve the quality of programs and eliminate duplication of programs and develop a model for all higher education in the State of Alabama.

Section 2. Not later than sixty days following the effective date of this Act the governing board of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College upon the recommendation of the governing board's chief executive

officer, shall take all action necessary to place Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration with a single administrative head. All actions taken to place the affected institutions under a single administration shall be done so that each institution maintains its unique identity. It is not the intent of this Act to create a four year institution.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved March 26, 1981

Time: 4:30 P.M.

Act No. 81-154

H. 31—Rep. Owens

AN ACT

To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-1 of the Code of Alabama 1975 is hereby amended to read as follows:

“§32-6-1. (a) Every person, except those specifically exempted by statutory enactment, shall procure a driver's license before driving a motor vehicle upon the highways of this state. Every new resident of the state of Alabama shall procure an Alabama driver's license within 30 days after establishing residence in this state.

“(b) Each original driver's license issued to a person born in a year ending in an odd number shall expire on the second anniversary of the licensee's birth date occurring in an odd-numbered calendar year after the date on which the application for the license was filed, and each original driver's license issued to a person born in a year ending with an even number shall expire on the second anniversary of the licensee's birth date occurring in an even-numbered calendar year after the date on which the application for the license was filed;

provided, that if the license issued would expire in less than 24 months from the date on which the application for the license was filed, the expiration date of such license is hereby extended for an additional period of two years. After the expiration of an original driver's license, all subsequent renewals shall be for a period of four years from the specified expiration date of the immediately preceding license, regardless of when such renewal shall be issued. Every driver's license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. For the purpose of renewal of a driver's license, the department of public safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date; the applicant shall apply for a driver's license anytime during a period beginning 30 days before the expiration date of the then current license until one year after the expiration date of said license. Failure to make application for renewal within the specified time shall result in the applicant being required to take, and successfully pass, a written examination and driving test as administered by the department of public safety. If any person's birthday is February 29, the first day of March following shall be regarded as his birthday for the purposes of this section.

“(c) The department of public safety shall make available to any resident of this state who does not hold a valid Alabama driver's license a nondriver identification card to be used for identification purposes only. Such nondriver identification card shall be issued only upon application of the nondriver and shall be similar to the driver's license; except, that it shall bear the word ‘nondriver’ in prominent letters on the face of the identification card. Each nondriver identification card shall bear thereon a distinguishing number assigned to the nondriver and a color photograph of the nondriver, as well as the name, birthdate, residence address and a brief description of the nondriver, who for the purpose of identification, shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the card in the space provided thereon, unless a facsimile of the nondriver signature appears thereon. The same degree of proof of identification required of applicants for driver's licenses in this state shall be required of applicants for nondriver identification cards.”

Section 2. The provisions of this act shall become effective October 1, 1981.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-155

H.171—Rep. Gafford

AN ACT

To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30-2-55, Code of Alabama 1975, is hereby amended to read as follows:

“ §30-2-55. Any decree of divorce providing for periodic payments of alimony shall be modified by the court to provide for the termination of such alimony upon petition of a party to the decree and proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex. This provision shall be applicable to any person granted a decree of divorce either prior to April 28, 1978, or thereafter. Provided, however, that no payments of alimony already received shall have to be reimbursed.”

Section 2. This act shall be retroactive to April 28, 1978.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-156

H. 510—Rep. Manley

AN ACT

To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This Act may be cited as the Alabama Uniform Disclaimer of Property Interests Act.

Section 2. Right to Disclaim Interest in Property.

(a) A person, or the representative of a deceased, incapacitated person, protected person, incompetent or ward, who is an heir, next of kin, devisee, legatee, grantee, donee, surviving joint tenant, person succeeding to a disclaimed interest, beneficiary under a testamentary or nontestamentary instrument or contract, or appointee under a power of appointment exercised by a testamentary or nontestamentary instrument, or to whom any property or interest therein devolves, by whatever means, may disclaim in whole or in part the right of succession to any property or interest therein by delivering or filing a written disclaimer under this Act.

(b) A surviving joint tenant may disclaim as a separate interest any property or interest therein devolving to him by right of survivorship. A surviving joint tenant may disclaim the entire interest in any property or interest therein that is the subject of a joint tenancy devolving to him, if the joint tenancy was created by act of a deceased joint tenant, if the survivor did not join in creating the joint tenancy.

(c) The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.

Section 3. Time and Place of Delivery or Filing.

(a) Except as provided in subsection (c), if the property or interest has devolved to the disclaimant under a testamentary instrument or by the laws of intestacy, the disclaimer shall be filed, as to a present interest, not later than nine (9) months after the death of the deceased owner or deceased donee of a power of appointment and, if of a future interest, not later than nine (9) months after the event determining that the taker of the property or interest has become finally ascertained and his interest is indefeasibly vested. The disclaimer shall be filed in the probate court of the county in which proceedings for the administration of the estate of the deceased owner or deceased donee of the power have been commenced or, if they have not been commenced, in which they could be commenced. A copy of the disclaimer shall be delivered in person or mailed by registered or certified mail to any personal representative or other fiduciary of the decedent or donee of the power.

(b) Except as provided in subsection (c), if the property or interest has devolved to the disclaimant under a nontestamentary instrument or contract, the disclaimer shall be delivered or filed, as to a

present interest, not later than nine (9) months after the effective date of the nontestamentary instrument or contract and, as to a future interest, not later than nine (9) months after the event determining that the taker of the property or interest has become finally ascertained and his interest is indefeasibly vested. If the person entitled to disclaim does not have actual knowledge of the existence of the interest, the disclaimer shall be delivered or filed not later than nine (9) months after he has actual knowledge of the existence of the interest. The effective date of a revocable instrument or contract is the date on which the maker no longer has power to revoke it or to transfer to himself or another the entire legal and equitable ownership of the interest. The disclaimer or a copy thereof shall be delivered in person or mailed by registered or certified mail to the trustee or other person who has legal title to, or possession of, the interest disclaimed.

(c) In any case, as to a transfer creating an interest in the disclaimant made after December 31, 1976, and subject to tax under chapter 11, 12, or 13 of the Internal Revenue Code of 1954, as amended, a disclaimer intended as a qualified disclaimer thereunder must specifically so state and must be delivered not later than nine (9) months after the later of the date the transfer is made or the day on which the person disclaiming attains age 21.

(d) If real property or an interest therein is disclaimed, a copy of the disclaimer instrument may be filed for record in the office of the probate judge of the county in which the property or interest disclaimed is located.

Section 4. Form of Disclaimer.

The disclaimer shall (1) be in writing, (2) describe the property or interest disclaimed, (3) declare the disclaimer and extent thereof, and (4) be signed by the disclaimant.

Section 5. Effect of Disclaimer.

(a) If the property or interest devolved to a disclaimant under a testamentary instrument or under the laws of intestacy and the deceased owner or donee of a power of appointment has not provided for another disposition, it devolves as if the disclaimant had predeceased the decedent or, if the disclaimant was designated to take under a power of appointment exercised by a testamentary instrument, as if the disclaimant had predeceased the donee of the power. Any future interest that takes effect in possession or enjoyment after the termination of the estate or interest disclaimed takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and his interest is indefeasibly vested. A disclaimer relates back for all purposes to

the date of death of the decedent, or of the donee of the power, or the determinative event, as the case may be.

(b) If the property or interest devolved to a disclaimant under a nontestamentary instrument or contract and the instrument or contract does not provide for another disposition, (1) it devolves as if the disclaimant had died before the effective date of the instrument or contract; and (2) a future interest that takes effect in possession or enjoyment at or after the termination of the disclaimed interest takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and his interest indefeasibly vested. A disclaimer relates back for all purposes to the effective date of the instrument or contract or the date of the determinative event, as the case may be.

(c) The disclaimer or the written waiver of the right to disclaim is binding upon the disclaimant or person waiving and all persons claiming through or under him.

Section 6. Waiver and Bar.

The right to disclaim property or an interest therein is barred by (1) an assignment, conveyance, encumbrance, pledge, or transfer of the property or interest, or a contract therefor, (2) a written waiver of the right to disclaim, (3) an acceptance of the property or interest or a benefit thereunder, or (4) a sale of the property or interest under judicial sale made before the disclaimer is effected.

Section 7. Remedy Not Exclusive.

This Act does not abridge the right of a person to waive, release, disclaim, or renounce property or an interest therein under any other statute.

Section 8. Uniformity of Application and Construction.

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it. It is the intent of the Legislature of the State of Alabama by this Act to clarify the laws of this State with respect to the subject matter hereof in order to ensure the ability of persons to disclaim interests in property without the imposition of Federal and state estate, inheritance, gift and transfer taxes. This Act is to be interpreted and construed in accordance with, and in furtherance of, that intent.

Section 9. Severability Clause.

In the event any section, sentence, clause, or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act which shall continue effective.

Section 10. Application.

An interest in property that exists on the effective date of this Act as to which, if a present interest, the time for delivering or filing a disclaimer under this Act has not expired or, if a future interest, the interest has not become indefeasibly vested or the taker finally ascertained, may be disclaimed within nine (9) months after the effective date of this Act.

Section 11. Time of Taking Effect.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law and the provisions herein shall be retroactively effective as of January 1, 1981.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-157

H.J.R. 166—Rep. Venable

HOUSE JOINT RESOLUTION

**HONORING MR. JACK THOMPSON FOR SERVICE TO
ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.**

WHEREAS, Mr. Jack Thompson has served as the County Agent/Coordinator for Elmore County since January 15, 1973, and

WHEREAS, during that time Mr. Thompson has served that residents of the county with distinction, adding greatly to the agricultural economy of Elmore County, and

WHEREAS, Mr. Thompson has also contributed his time and efforts toward the civic and business progress of Elmore County, and

WHEREAS, Mr. Thompson has been appointed County Agent/Coordinator for Limestone County and is returning to the section of the county where he grew up having been born in Leighton and was graduated from Colbert County High School.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do congratulate Mr. Thompson on the fine job he has done in Elmore County and wish him and his wife, the former Ruth Hester, and their four children every success in the years ahead.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-158

H.J.R. 169—Reps. Bennett, Boles, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

HONORING STATE REPRESENTATIVE WAYNE COBB.

WHEREAS, State Representative Wayne Cobb of Hamilton was named president of Northwest Alabama State Technical College effective January 1; and

WHEREAS, Representative Cobb has served with distinction in the House as a member of Committees on Banking, Natural Resources, and Local Legislature Number One; and

WHEREAS, Representative Cobb holds a Bachelor of Science degree from the University of North Alabama and a Master of Arts from the University of Alabama; and

WHEREAS, from 1956 to 1959, he served as a business and economics teacher in the Marion County Public Schools during which time he also served as an assistant principal; and

WHEREAS, from 1959 to 1961, Representative Cobb was principal of Hackleburg High School, principal of Clayton High School from 1961 to 1962 and, from 1964 to 1965, served as vocational coordinator for the Marion County School System; and

WHEREAS, he was appointed Dean of Instruction at Northwest Alabama State Technical College in 1965, which position he held until his appointment as the institution's president; and

WHEREAS, Representative Cobb has been awarded the Certificate of Appreciation by the Commission on Occupational Education Institutions of the Southern Association of Colleges and Schools in recognition of outstanding service as an evaluator of institute programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend sincerest congratulations to Representative Wayne Cobb on his appointment as president of Northwest Alabama State Technical College, and direct that he receive a copy of this resolution sent with all good wishes for continuing future success.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-159

S.J.R. 70—Mr. Robertson

SENATE JOINT RESOLUTION

COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, in commendation and in praise, the Alabama Legislature notes the District II Championship, Alabama Private School Association, captured by Patrician Academy of Butler, Alabama, winning the title match 63-62, on February 13, 1981, against Catherine Academy; and

WHEREAS, for the district title and the Saints' commendable 12-7 overall season record, much credit is due to the leadership, talent and ability of Coach Joe Nettles; and

WHEREAS, each and every member of the squad also is to be congratulated for his contribution to such a fine season which led to the Saints' approximate average of 52 points per game against formidable opposition all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Patrician Academy Saints on their District II Championship of the Alabama Private School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster Larry McKenzie for appropriate school display and to Coach Joe Nettles on behalf of his entire team.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-160

S.J.R. 71— Messrs. Robertson, deGraffenried, Cook, Holmes, Harrison, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

DESIGNATING MAY 12, 1981, AS "LAW ENFORCEMENT OFFICERS APPRECIATION DAY" IN ALABAMA.

WHEREAS, throughout our state, thousands of law enforcement officers daily risk their lives while protecting the citizens of Alabama from the lawlessness of criminals and from other individuals who, by their actions, evidence total disregard for the sanctity of life and/or the rights of others; and

WHEREAS, complacent in attitude, we often take for granted the courage displayed by these peace officers who faithfully execute their duties without fanfare, accepting the risks involved as necessary for effective performance; and

WHEREAS, patience, intelligence and concern, perceptiveness and, above all, valor — all are traits possessed by these men and women who police the cities, towns and rural areas of Alabama as guardians of our lives and property; and

WHEREAS, this year, in accord with a 1961 joint resolution of Congress, May 10-16 will be observed as National Police Week and May 15, as set aside by Presidential Proclamation in 1963, is Peace Officers Memorial Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in special tribute to all officers of the law throughout our state, and in honor of those who have given their lives in the line of duty, we hereby name and designate May 12, 1981, as Law Enforcement Officers Appreciation Day in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to all law enforcement agencies in the State of Alabama, both to advise of this designation and to express the appreciation of the Alabama Legislature on behalf of the citizenry of this state.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-161

S.J.R. 76—Messrs. Teague, Holmes and Proctor

SENATE JOINT RESOLUTION

COMMENDING VERN SCOTT IN HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS “VERN SCOTT DAY” IN THE STATE OF ALABAMA.

WHEREAS, Verner Max Scott, known as “Vern” to his many friends and acquaintances was born in Coldwater, Alabama, in Calhoun County, but has been a resident of Talladega since November 1927; and

WHEREAS, he has engaged in many civic activities in his home county, not the least of which is as a member of the Talladega Beautification Council, the Talladega Historical Association and the Alabama Historical Association; and

WHEREAS, he has been editor of the Talladega Historical Association newsletter for nine years, during which time he performed all

the duties in publishing this twenty page monthly letter; and

WHEREAS, he has never missed an edition of this most interesting and informative publication; and

WHEREAS, this Legislature wishes to commend and compliment this noted local historian and outstanding citizen by declaring March 20, 1981, as "Vern Scott Day"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare March 20, 1981, as "Vern Scott Day" in the State of Alabama as a token of our sincere admiration for this valued and honored citizen.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Vern Scott.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-162

S.J.R. 78—Mr. Weeks

SENATE JOINT RESOLUTION

COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

WHEREAS, the Alabama Legislature joins with the citizens and City of Troy in honoring Mrs. Elizabeth Johnson for her more than 18 years of tireless service with the American Red Cross; and

WHEREAS, a native of Headland and former resident of Columbiana, Mrs. Johnson has lived in Troy, Alabama, since 1937; following a career as a beautician, Mrs. Johnson was a homemaker for many years and until 1962, at which time she was employed by the Pike County Chapter of the American Red Cross; and

WHEREAS, Mrs. Johnson was recently honored by the Pike County Chamber of Commerce as Woman of the Year, not only for her years of service and longtime involvement with the blood drive program in Troy and Pike County, but also for her active participation in numerous other civic and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Elizabeth Johnson as Pike County Woman of the Year.

BE IT FURTHER RESOLVED, That Mrs. Johnson receive a copy of this resolution that she and her family may be aware of our warm praise, appreciation and high regard.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-163

S.J.R. 79—Mr. Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the remarkable season and capture of the 1980 State 3A Football Championship by Charles Henderson High School of Troy, Alabama; and

WHEREAS, missing last season's area championship by just one TD, the Trojans, in orange and blue, were victorious this year by one touchdown over Hartselle to capture the State Crown and the first championship ever, in any sport, at Charles Henderson High; and

WHEREAS, ten-year veteran Coach Jay Jefcoat, ending his third season as the Trojan's head coach, also directed his team to a 13-0 season, the best in their school's history; Jefcoat was ably assisted by Coaches Mike Hogan, Rick Moody, Eddie McCarter, David Hogan and Stanley King; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Charles Henderson High School Trojans on their 3A State Championship, commending each and every player on his outstanding gridiron accomplishments in 1980.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with copies also sent to Coach Jay Jefcoat on behalf of his assistants and his entire championship team.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-164

S.J.R. 80—Mr. Weeks

SENATE JOINT RESOLUTION

COMMENDING COACH JAY JEFcoat OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

WHEREAS, the Legislature of Alabama has noted in commendation the selection of Jay Jefcoat of Charles Henderson High School, Troy, Alabama, as Coach of the Year, 1980; and

WHEREAS, it is to be noted that in earning the overall Coach of the Year honor, Coach Jefcoat received twice as many votes as his runners-up in the balloting to select the Montgomery Advertiser-Journal's Super All-State high school football team and coach; and

WHEREAS, in Coach Jefcoat's three season at Charles Henderson, his Trojans have gone from a disappointing 3-7 record to a big 8-2 in 1979 and, in 1980, the best season in the school's history — 13 wins and the State 3A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Jay Jefcoat on his prestigious selection as the Montgomery Advertiser-Journal's Coach of the Year.

BE IT FURTHER RESOLVED, That Coach Jefcoat receive a copy of this resolution that he may know of our warm praise and high regard.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-165

S.J.R. 81—Mr. Weeks

SENATE JOINT RESOLUTION

COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.

WHEREAS, it is to be noted with utmost commendation that the Charles Henderson High School Band, under the direction of Mr. Paschal Ward, has for a number of years consistently maintained the number one Superior rating for all marching competitions in which they have participated; and

WHEREAS, in various forms of competition, championship presentations of "The Blue Machine" have established the band as one of the finest marching bands in the entire United States; and

WHEREAS, now one hundred and fifteen members strong, the

Charles Henderson High School Band was founded as an orchestra in 1919, one of the earliest such type programs in Alabama, and through the years has won hundreds of awards for marching and concert excellence; and

WHEREAS, Mr. Paschal Ward, with impeccable professional qualifications, has continued the evinced dedication of the band's previous directors, as have the current talented musicians emulated their predecessors; and

WHEREAS, because of its performance record and national reputation "The Blue Machine" has been invited to participate in July in the International Festival of Marching Bands in England and in a festival of bands in Bern, Switzerland, the only band in the entire United States to be so prestigiously honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Charles Henderson High School Band, both for outstanding achievement and as the only high school band in America selected for international participation in band festivals to be held in England and Switzerland.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Charles Henderson High School in Troy, Alabama, with a copy also sent to Band Director Paschal Ward on behalf of his assistant, Michael Thomas, and the entire "Blue Machine" of Charles Henderson High School.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-166

S.J.R. 82—Mr. Robertson

SENATE JOINT RESOLUTION

CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

WHEREAS, Patrician Academy, in the State Finals of the Alabama Private School Association, trounced Talladega, 38-18, to claim the State Football Championship in its class for 1980; and

WHEREAS, ending the season with an overall phenomenal 12-1 record, the Saints' outstanding performance on the gridiron was a reflection of Head Coach Joe Nettles' exceptional talent and ability

for athletic direction and leadership; and

WHEREAS, final season statistics give credence to the Saints' dedicated efforts on the field, showing first downs and yards rushing as some two-to-one over their opponents; also, in total points, Patrician Academy had 365 for the season while ceding a mere 132 to their formidable opponents, and averaged 28.07 points per game to their opposition's 10.15; and

WHEREAS, Patrician Academy, coach and all players alike, are indeed deserving of praise for their commendable spirit, dedication and team effort which culminated in the coveted state title for their school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and highly commend Patrician Academy of Butler, Alabama, State Football Champions for 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be provided both for Coach Nettles and his team, and for appropriate school display by Headmaster Larry McKenzie.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-167

S.J.R. 84—Mr. Mitchem

SENATE JOINT RESOLUTION

HONORING MR. GEORGE LINDSEY

WHEREAS, since 1972, through the untiring efforts of George Lindsey and his dedicated interest in Alabama's Special Olympics, almost one-half million dollars have been raised to support athletics and physical fitness programs and facilities for the handicapped in Alabama; and

WHEREAS, a native of Jasper, Alabama, and now world famous as an actor and comedian, George Lindsey first became interested in Alabama's Special Olympics program in 1971 when he helped officiate the state games at Samford University; and

WHEREAS, the following year, prompted by care and concern, George Lindsey produced the first spectacular Stars Show which realized approximately \$8,000 for the cause of Special Olympics; and

WHEREAS, in 1973, the George Lindsey Golf Tournament was added, thus expanding into a full weekend a project which has raised

many thousands of dollars for Alabama's Special Olympics, directly benefitting more than 20,000 mentally and physically handicapped in our state; and

WHEREAS, additionally, some \$200,000 from the proceeds of the Celebrity Weekend benefits have been donated to build the new George Lindsey Aquatic Center at Partlow State School in Tuscaloosa, Alabama, and \$13,000 more have been donated to the Alabama Association of Retarded Citizens; and

WHEREAS, in further selfless service, George Lindsey attends our state games, serving as coach, and has also personally attended the international games to coach Alabama's special children in competition with the handicapped of other states and nations; and

WHEREAS, George Lindsey's 1981 Celebrity Weekend promises to be the most spectacular ever for those privileged to participate and attend and, hopefully, the most successful yet for those who hold a special place in the hearts of us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in humble gratitude and profound respect, we hereby most highly commend Mr. George Lindsey, a beloved native of our own State of Alabama and one who is extraordinary in his love and compassion for God's special children.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-168

S.J.R. 85—Mr. Mitchem

SENATE JOINT RESOLUTION

HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

WHEREAS, the Alabama Legislature has noted the announced retirement, effective April 1, 1981, of Mr. James Murray Carter following a distinguished career of some 35 years with the Alabama Department of Industrial Relations; and

WHEREAS, a native of Goshen in Pike County, Mr. Carter attended Troy State University prior to military service with the United States Army during World War II; he attained the rank of Captain and commanded an artillery battery during the European Campaign for which he was awarded the prestigious Bronze Star; and

WHEREAS, Mr. Carter's state service began in 1946 in Andalusia and he subsequently served, through promotion, as Manager of the Talladega Claims Office, Benefit Claims Consultant in the State Administrative Office and as Chief Administrative Analyst, and Special Assistant to the Director, of the Department of Industrial Relations; in 1967, he was appointed to his present position as Director of the Alabama State Employment Service where he has continuously served, except for a period as Acting Director by appointment of governor George Wallace and into the early months of the administration of Governor Fob James; and

WHEREAS, throughout his long tenure in public employment, Mr. Carter has rendered invaluable service to both our state and nation through his discharge of responsibilities that have been executive in nature and befitting his talent for administrative excellence; he is nationally held in high regard for his technical knowledge and sound judgment and often has been called upon to provide counsel and guidance to the federal government as well as to private businesses and organizations; and

WHEREAS, not only is he affiliated with numerous professional organizations, but has served these organizations, in office and in other capacities of leadership, on state, national and international levels; and

WHEREAS, further indicative of Mr. Carter's reputation for integrity and judgment was his appointment by Governor Albert Brewer as a member of the first Ethics Commission of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James Murray Carter for extraordinary service to the State of Alabama and direct that he receive a copy of this resolution, tendered in praise and in token of our high regard.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-169

S.J.R. 88— Messrs. Pearson, Hilliard, Hall
and Cook

SENATE JOINT RESOLUTION

COMMENDING THE SIXTH AVENUE BAPTIST CHURCH
OF BIRMINGHAM, ALABAMA, ON THE 100th ANNIVERSARY

OF ITS FOUNDING.

WHEREAS, it is to be noted that the membership of the historic Sixth Avenue Baptist Church of Birmingham, Alabama, is observing the 100th anniversary of the Church's founding; and

WHEREAS, organized in 1881, under its first pastor, The Reverend Silas Jones, the Sixth Avenue Baptist Church is a community church which, through the years, has touched and guided the lives of its members from all walks of life; and

WHEREAS, moved to its present site some ten years ago, the new church complex, in addition to its beautiful sanctuary and spacious educational facilities, also includes a federal credit union with assets in excess of one-half million dollars; the church boasts an outstanding Music Department and further provides spiritually responsive programs for communicants of all ages; and

WHEREAS, other pastors who have ministered to the needs of the congregation are The Reverend John W. Goodgame, Sr., who served as the sixth pastor from 1908 to 1938, and The Reverend John W. Goodgame, Jr., who served from 1938 until 1962; and

WHEREAS, from 1962 until the present, Dr. John Porter has assumed the pastoral leadership of the Sixth Avenue Baptist Church; Dr. Porter is a former member of the Alabama House of Representatives who currently serves state government in his capacity as a member of the Alabama Pardons and Paroles Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend utmost commendation and praise to the Sixth Avenue Baptist Church of Birmingham, Alabama, on the occasion of the 100th anniversary of its founding; we further stand in tribute to the Church's continuing Christian influence within the community, and to the dedicated spiritual guidance of The Reverend John Porter.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Porter at the 100th Anniversary Church Family Banquet, with a copy also provided for appropriate church display.

Approved March 31, 1981

Time: 9:30 A.M.

COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

WHEREAS, five Monroe County industries will donate a total of \$100,000 towards the cost of a preliminary study for a new bridge at Claiborne over the Alabama River; and

WHEREAS, Alabama River Pulp and its affiliate, Alabama River Woodlands, Harrigan Lumber Co., Scotch Plywood Co., Vanity Fair Mills Inc., and Georgia-Pacific Corp. have been honored by the Monroe County Commission for their outstanding generosity in this much needed public undertaking that will benefit Monroe and Clarke Counties; and

WHEREAS, this Legislature wishes to express its gratitude to these fine industries for their public spirit in this and many other public undertakings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express our most sincere gratitude to the Alabama River Pulp and its affiliate, Alabama River Woodlands, Harrigan Lumber Co., Scotch Plywood Co., Vanity Fair Mills Inc. and Georgia-Pacific Corp. for their donation of \$100,000 towards the cost of a preliminary study for a new bridge at Claiborne over the Alabama River, which will greatly benefit the citizens of Alabama and particularly the citizens travelling between Clarke and Monroe Counties.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each of these fine public spirited companies.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-171

S.J.R. 90—Mr. Cook

SENATE JOINT RESOLUTION

POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

WHEREAS, the Legislature of Alabama recognizes that many Alabama sons and daughters have brought credit, honor and fame to their native state by service, devotion and selfless sacrifice to their fellow man; and

WHEREAS, Velma Wright Irons was born in Wedowee, Alabama, November 21, 1904, one of five children of William Samuel Wright and Minnie Lee Young Wright, one of the founding families of that town located near the foothills of the mighty American Appalachian Mountains in Randolph County; and

WHEREAS, she began teaching in the rural schools of Randolph County, Alabama, at the age of seventeen and graduated with honors from Florence State Normal Teachers College in 1923, and received a bachelor of arts degree from the University of Alabama in 1925, and began teaching in the public schools of Carlowville, Dallas County, Alabama, and later continued her teaching career in the Birmingham Public School System from 1948 through 1967; and

WHEREAS, she founded and taught the first public class in Alabama for visually handicapped children in 1951, allowing the handicapped child to participate in a normal elementary school environment for the first time in our great state's history; and

WHEREAS, she was recognized as a national leader in the field of education by her selection to Who's Who in American Education, Who's Who in the South and Southwest, and holds the distinction of being the first of Alabama's daughters selected for Who's Who in American Women; and

WHEREAS, she was honored by all Alabamians as alternate winner of Alabama's Favorite Teacher Contest in 1952, and the nation saluted her outstanding professional ability as recipient of a national award as the outstanding classroom teacher by Freedom's Foundation, Valley Forge, Pennsylvania, in 1964 — the highest honor bestowed upon a classroom teacher by Freedom's Foundation, Valley Forge, Pennsylvania; and

WHEREAS, she received national commendation as America's outstanding educator in proceedings before the United States Senate in Washington, D. C., on December 6, 1967; and

WHEREAS, she served tirelessly in leadership roles in civic, social and church organizations including The Pierian Club, The American Association of University Women, The Parent-Teacher's Association, Howard College Auxiliary, Shakespearian Club, Faculty Wives Club, Kappa Delta Epsilon, Altrusa Club, Classroom Teacher's Association, Alabama Educational Association, National Educational Association, Birmingham Beautification Board, Daughters of the

American Revolution, United Daughters of the Confederacy and Kappa Kappa Gamma. Mrs. Irons was also author of The History of the Howard College Auxiliary, and past teacher and superintendent of Sunday School at Ruhama and Southside Baptist Churches; and

WHEREAS, her influence as a teacher continues to burn brightly in the Halls of Learning throughout Alabama today through a series of memorial scholarships perpetuated in her honor at Samford University and presented annually to outstanding students; and

WHEREAS, she was the wife of Dr. George Vernon Irons, Sr., Samford University's distinguished professor and illustrious member of Alabama's Sports Hall of Fame as the South's unbeaten premier distance runner at the University of Alabama in the 1920's, and mother of two fine sons, Dr. George Vernon Irons, Jr., nationally recognized cardiologist who earned the highest grades ever attained in the history of the University of Alabama Medical School, and William Lee Irons, Birmingham lawyer and former outstanding junior officer of the United States Air Force during the Viet Nam war; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do praise, commend and honor the late Velma Wright Irons for her life, devotion and sacrifice to the visually handicapped children of Alabama, and as an inspiration for all daughters of our great state, and wholeheartedly endorse her nomination for immediate induction into the Alabama Women's Hall of Fame.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-172

S.J.R. 91—Mr. Hall

SENATE JOINT RESOLUTION

COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

WHEREAS, the Pinson Valley High School won its second straight 3A State Wrestling Championship; and

WHEREAS, the Pinson Valley Wrestling Team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coach Charlie Bruce is due much credit not only for the high degree of technical skill displayed by the team but also for their fine spirit and their will to win, which is necessary in this

type of effort; and

WHEREAS, the members of this team have shown the attributes of devotion to duty and desire to win that will stand them in good stead throughout their life and ought to be commended on their achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily commend the Pinson Valley High School Wrestling Team for winning its second straight 3A State Wrestling Championship and we do heartily congratulate Coach Charlie Bruce and the members of the wrestling team, viz: Travis Fox, Clint Nail, Joey Maryanow, Barry Dunn, Steve Davis, Larry Sanford, Richard Cowden, Jay Cherry, Ricky Porter, Jeff Sims, Bryan Hoyt, Bill Whilden, Mark Johns, Jesse Turner, Joseph Gregg, and Steve Burroughs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bruce on behalf of the team, with a copy also provided for appropriate school display.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-173

S.J.R. 92— Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White

SENATE JOINT RESOLUTION

EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

WHEREAS, it is with regret that the Alabama Legislature notes the hospitalization of our good friend and colleague, Representative Brooks Hines; and

WHEREAS, Mr. Hines is recuperating from back surgery and although the prognosis is favorable for a complete and total recovery, he is expected to be confined for a period of time; and

WHEREAS, Brooks Hines is serving his second term as the Representative from District 91, Escambia County, and is a member of the Banking and Insurance Committees; he most ably represents not only his own constituency but also the needs and priorities of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the hospitalization of our friend Brooks Hines and sincerely beseech his complete recovery at the earliest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hines that he and his family may know of our deep concern and of our sincere best wishes, extended in friendship and in warm regard.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-174

H.J.R.173—Rep. Johnson (R.G.)

HOUSE JOINT RESOLUTION

COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA

WHEREAS, Roy O. "Buddy" Gilliland has made outstanding and unique contributions to the citizens of Rockford and to the citizens of Coosa County; and

WHEREAS, Buddy, born March 13, 1933, a victim of cerebral palsy, has enriched the people of Coosa County with his infectious personality and generous dedication to others; and

WHEREAS, some fifteen years ago, Buddy began collecting donations from individuals, organizations and from the business community for the Cerebral Palsy Fund of Coosa County; and

WHEREAS, not only has Buddy personally collected thousands of dollars for this worthy cause, he has initiated and participated in many Coosa County Cerebral Palsy Fund raising events; and

WHEREAS, as one who truly loves his fellowman, his tireless efforts reflect his dedication and devotion and also that he accepts and fulfills the duties of responsible citizenship; and

WHEREAS, the Legislature especially takes pleasure in noting the accomplishments of Roy O. "Buddy" Gilliland; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Buddy for outstanding service to mankind; that we further wish him well in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Buddy as a token of appreciation from the people of Alabama and in recognition of a job well done.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-175

H. 616—Reps. Shavers, Hall

AN ACT

Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission may provide compensation to election officials in addition to that now provided by law, in an amount not exceeding \$10 per diem.

Section 2. This additional compensation shall be appropriated from the county general fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-176

H. 617—Reps. Shavers, Hall

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the

Town of Langston in Jackson County are hereby altered, rearranged and extended so as to include within the corporate limits of said town in addition to the lands now included, all of the following territory, to-wit:

The West half of the SW 1/4, Section 31, T.5S, R.6E; the South half of Section 36, T.5S, R.5E; the South half of Section 35, T.5S, R.5E; the SE 1/4 of Section 34, T.5S, R.5E; the East half of the SW 1/4, Section 34, T.5S, R.5E; the NW 1/4 of the NW 1/4, Section 6, T.6S, R.6E; the NE 1/4 of Section 1, T.6S, R.5E; the NW 1/4 of the NW 1/4, Section 1, T.6S, R.5E; the NW 1/4 of the SE 1/4, Section 1, T.6S, R.5E; the NE 1/4 of the SW 1/4, Section 1, T.6S, R.5E; the North half of the NE 1/4, Section 2, T.6S, R.5E; the NW 1/4 of Section 2, T.6S, R. 5E; the NW 1/4 of the SE 1/4, Section 2, T.6S, R.5E; the SW 1/4 of Section 2, T.6S, R.5E; all of Section 3, T.6S, R.5E; the East half of Section 4, T.6S, R.5E; the West half of the NW 1/4, Section 12, T.6S, R.5E; the West half of the SW 1/4, Section 12, T.6S, R.5E; all of Section 11, T.6S, R.5E; the West half of the NW 1/4, Section 13, T.6S, R.5E; the North half of Section 14, T.6S, R.5E; all that territory in the North half of Section 15, T.6S, R.5E; which lies in the County of Jackson; all that territory of Section 10, T.6S, R.5E; which lies in the County of Jackson; all that territory of Section 9, T.6S, R.5E; which lies in the County of Jackson; all the above described territory being situated in the County of Jackson, State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-177

H. 618—Rep. Turner

AN ACT

To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 179, H. 976, 1979 Regular Ses-

sion (Acts 1979, p. 289), is hereby amended to read as follows:

Section 1. The Washington County Commission shall provide an annual expense allowance to the circuit clerk. The amount of such expense allowance shall be in the discretion of the county commission and shall be fixed and may be altered by resolution of that body."

Section 2. The county commission may make retroactive the expense allowance provided herein.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 31, 1981

Time: 9:30 A.M.

Act No. 81-178

H. 297—Reps. Manley, Bowling,
McCorquodale, Owens, Gilmer,
Waggoner, Carothers, Turner,
Barton, Shoemaker, Sasser, Blake,
Ward, Wyatt, Cosby, Roberts,
Daniels, Willis, Moore, Dial,
Turnham, Kelley, Gafford,
Venable, Clark (G), Campbell,
Cooley, Patton, Zoghby, Parker,
Stewart, Cates, Dixon, Laird,
Williams, Holley, Minus,
Drinkard, Smith (C), Carter,
Brakefield, Naramore, Whatley,
Harvey, Payne, Olive, Trammell,
Cheatwood, Hammett, Lewis,
Amari, Gregg, Riddick, Greer,
Cobb, Hall, Johnson (R. G.),
Mitchell, Cabaniss, McKee,
McMillan, Smith (M), Ford,
Harper (O), Harper (T), Johnson
(Roy), Adams (C), Grimsley,
Rains, Seibels, Penry, Boles

AN ACT

To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions

for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, §13-11-1 through §13-11-9, also codified as §13A-5-30 through §13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, these terms shall be defined as follows:

(a) “capital offense” — means an offense for which a defendant shall be punished by a sentence of death or life imprisonment without parole according to the provisions of this act;

(b) “during” as used in section 2(a) of this act means in the course of or in connection with the commission of, or in immediate flight from the commission of the underlying felony or attempt thereof;

(c) “explosives” and “explosion” — shall be defined as provided in Code of Alabama 1975, §13A-7-40(2) and (3);

(d) “burden of interjecting the issue” — shall be defined as provided in Code of Alabama 1975, §13A-1-2(14);

(e) “murder” and “murder by the defendant” — shall be defined as provided in section 2(b) of this act;

(f) “previously convicted” as used in section 11(b) of this act and “prior criminal activity” as used in section 13(a) of this act shall be defined as referring to events occurring before the date of the sentence hearing;

(g) “under sentence of imprisonment” — as used in section 11(a) of this act means while serving a term of imprisonment, while under a suspended sentence, while on probation or parole, or while on work release, furlough, escape, or any other type of release or freedom while or after serving a term of imprisonment, other than unconditional release and freedom after expiration of the term of sentence.

Section 2. (a) The following are capital offenses:

(1) Murder by the defendant during a kidnapping in the first degree or an attempt thereof committed by the defendant;

(2) Murder by the defendant during a robbery in the first degree or an attempt thereof committed by the defendant;

(3) Murder by the defendant during a rape in the first or second degree or an attempt thereof committed by the defendant; or murder by the defendant during sodomy in the first or second degree or an attempt thereof committed by the defendant;

(4) Murder by the defendant during a burglary in the first or second degree or an attempt thereof committed by the defendant;

(5) Murder of any police officer, sheriff, deputy, state trooper, federal law enforcement officer, or any other state or federal peace officer of any kind, or prison or jail guard, while such officer or guard is on duty or because of some official or job-related act or performance of such officer or guard;

(6) Murder committed while the defendant is under sentence of life imprisonment;

(7) Murder done for a pecuniary or other valuable consideration or pursuant to a contract or for hire;

(8) Murder by the defendant during sexual abuse in the first or second degree or an attempt thereof committed by the defendant;

(9) Murder by the defendant during arson in the first or second degree committed by the defendant; or murder by the defendant by means of explosives or explosions;

(10) Murder wherein two or more persons are murdered by the defendant by one act or pursuant to one scheme or course of conduct;

(11) Murder by the defendant when the victim is a state or federal public official or former public official and the murder stems from or is caused by or is related to his official position, act, or capacity;

(12) Murder by the defendant during the act of unlawfully assuming control of any aircraft by use of threats or force with intent to obtain any valuable consideration for the release of said aircraft or any passenger or crewmen thereon or to direct the route or movement of said aircraft, or otherwise exert control over said aircraft;

(13) Murder by a defendant who has been convicted of any other murder in the twenty years preceding the crime; provided that the murder which constitutes the capital crime shall be murder as defined in section 2(b) of this act; and provided further that the prior murder conviction referred to shall include murder in any degree as defined at the time and place of the prior conviction;

(14) Murder when the victim is subpoenaed, or has been subpoenaed, to testify, or the victim had testified, in any preliminary

hearing, grand jury proceeding, criminal trial or criminal proceeding of whatever nature, or civil trial or civil proceeding of whatever nature, in any municipal, state, or federal court, when the murder stems from, is caused by, or is related to the capacity or role of the victim as a witness.

(b) Except as specifically provided to the contrary in the last part of section 2(a) (13) of this act, the terms “murder” and “murder by the defendant” as used in section 2 of this act to define capital offenses mean murder as defined in Code of Alabama 1975, §13A-6-2(a) (1), but not as defined in Code of Alabama 1975, §13A-6-2(a) (2) and (3). Subject to the provisions of section 3 of this act, murder as defined in Code of Alabama 1975, §13A-6-2(a) (2) and (3), as well as murder as defined in §13A-6-2(a) (1), may be a lesser included offense of the capital offenses defined in section 2(a) of this act.

(c) A defendant who does not personally commit the act of killing which constitutes the murder is not guilty of a capital offense defined in section 2(a) of this act unless that defendant is legally accountable for the murder because of complicity in the murder itself under the provisions of Code of Alabama 1975, §13A-2-23, in addition to being guilty of the other elements of the capital offense as defined in section 2(a) of this act.

(d) To the extent that a crime other than murder is an element of a capital offense defined in section 2(a) of this act, a defendant’s guilt of that other crime may also be established under Code of Alabama 1975, §13A-2-23. When the defendant’s guilt of that other crime is established under §13A-2-23, that crime shall be deemed to have been “committed by the defendant” within the meaning of that phrase as it is used in section 2(a) of this act.

Section 3. Subject to the provisions of Code of Alabama 1975, §13A-1-9(b), the jury may find a defendant indicted for a crime defined in section 2(a) of this act not guilty of the capital offense but guilty of a lesser included offense. Lesser included offenses shall be defined as provided in Code of Alabama 1975, §13A-1-9(a), and when there is a rational basis for such a verdict, include but are not limited to, murder as defined in Code of Alabama 1975, §13A-6-2(a), and the accompanying other felony, if any, in the provision of section 2(a) of this act upon which the indictment is based.

Section 4. A defendant who is indicted for a capital offense may plead guilty to it, but the State must in any event prove the defendant’s guilt of the capital offense beyond a reasonable doubt to a jury. The guilty plea may be considered in determining whether the State has met that burden of proof. The guilty plea shall have the effect of waiving all non-jurisdictional defects in the proceeding resulting

in the conviction except the sufficiency of the evidence. A defendant convicted of a capital offense after pleading guilty to it shall be sentenced according to the provisions of section 5(d) of this act.

Section 5. (a) In the trial of a capital offense the jury shall first hear all the admissible evidence offered on the charge or charges against the defendant. It shall then determine whether the defendant is guilty of the capital offense or offenses with which he is charged or of any lesser included offense or offenses considered pursuant to section 3 of this act.

(b) If the defendant is found not guilty of the capital offense or offenses with which he is charged, and not guilty of any lesser included offense or offenses considered pursuant to section 3 of this act, the defendant shall be discharged.

(c) If the defendant is found not guilty of the capital offense or offenses with which he is charged, and is found guilty of a lesser included offense or offenses considered pursuant to section 3 of this act, sentence shall be determined and imposed as provided by law.

(d) If the defendant is found guilty of a capital offense or offenses with which he is charged, the sentence shall be determined as provided in sections 7 through 15 of this act.

Section 6. (a) The selection of the jury for the trial of a capital case shall include the selection of at least two alternate jurors chosen according to procedures specified by law or court rule.

(b) The separation of the jury during the pendency of the trial of a capital case shall be governed by applicable law or court rule.

(c) Notwithstanding any other provision of law, the defendant with the consent of the State and with the approval of the court may waive the participation of a jury in the sentence hearing provided in section 8 of this act. Provided however, before any such waiver is valid, it must affirmatively appear in the record that the defendant himself has freely waived his right to the participation of a jury in the sentence proceeding, after having been expressly informed of such right.

Section 7. (a) Upon conviction of a defendant for a capital offense, the trial court shall conduct a separate sentence hearing to determine whether the defendant shall be sentenced to life imprisonment without parole or to death. The sentence hearing shall be conducted as soon as practicable after the defendant is convicted. Provided however, if the sentence hearing is to be conducted before the trial judge without a jury or before the trial judge and a jury other than the trial jury, as provided elsewhere in this act, the trial court with the consent of both parties may delay the sentence hearing

until it has received the pre-sentence investigation report specified in section 9(b) of this act. Otherwise, the sentence hearing shall not be delayed pending receipt of the pre-sentence investigation report.

(b) The State and the defendant shall be allowed to make opening statements and closing arguments at the sentence hearing. The order of those statements and arguments and the order of presentation of the evidence shall be the same as at trial.

(c) At the sentence hearing evidence may be presented as to any matter that the court deems relevant to sentence and shall include any matters relating to the aggravating and mitigating circumstances referred to in sections 11, 13, and 14 of this act. Evidence presented at the trial of the case may be considered insofar as it is relevant to the aggravating and mitigating circumstances without the necessity of re-introducing that evidence at the sentence hearing, unless the sentence hearing is conducted before a jury other than the one before which the defendant was tried.

(d) Any evidence which has probative value and is relevant to sentence shall be received at the sentence hearing regardless of its admissibility under the exclusionary rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the State of Alabama.

(e) At the sentence hearing the State shall have the burden of proving beyond a reasonable doubt the existence of any aggravating circumstances. Provided however, any aggravating circumstance which the verdict convicting the defendant establishes was proven beyond a reasonable doubt at trial shall be considered as proven beyond a reasonable doubt for purposes of the sentence hearing.

(f) Unless at least one aggravating circumstance as defined in section 11 of this act exists, the sentence shall be life imprisonment without parole.

(g) The defendant shall be allowed to offer any mitigating circumstance defined in sections 13 and 14 of this act. When the factual existence of an offered mitigating circumstance is in dispute, the defendant shall have the burden of interjecting the issue, but once it is interjected the State shall have the burden of disproving the factual existence of that circumstance by a preponderance of the evidence.

Section 8. (a) Unless both parties with the consent of the court waive the right to have the sentence hearing conducted before a jury as provided in section 6(c) of this act, it shall be conducted before a jury which shall return an advisory verdict as provided by

section 8(e) of this act. If both parties with the consent of the court waive the right to have the hearing conducted before a jury, the trial judge shall proceed to determine sentence without an advisory verdict from a jury. Otherwise, the hearing shall be conducted before a jury as provided in the remaining subsections of this section.

(b) If the defendant was tried and convicted by a jury, the sentence hearing shall be conducted before that same jury unless it is impossible or impracticable to do so. If it is impossible or impracticable for the trial jury to sit at the sentence hearing, or if the case on appeal is remanded for a new sentence hearing before a jury, a new jury shall be impanelled to sit at the sentence hearing. The selection of that jury shall be according to the laws and rules governing the selection of a jury for the trial of a capital case.

(c) The separation of the jury during the pendency of the sentence hearing, and if the sentence hearing is before the same jury which convicted the defendant, the separation of the jury during the time between the guilty verdict and the beginning of the sentence hearing, shall be governed by the law and court rules applicable to the separation of the jury during the trial of a capital case.

(d) After hearing the evidence and the arguments of both parties at the sentence hearing, the jury shall be instructed on its function and on the relevant law by the trial judge. The jury shall then retire to deliberate concerning the advisory verdict it is to return.

(e) After deliberation, the jury shall return an advisory verdict as follows:

(1) if the jury determines that no aggravating circumstances as defined in section 11 of this act exist, it shall return an advisory verdict recommending to the trial court that the penalty be life imprisonment without parole;

(2) if the jury determines that one or more aggravating circumstances as defined in section 11 of this act exist but do not outweigh the mitigating circumstances, it shall return an advisory verdict recommending to the trial court that the penalty be life imprisonment without parole;

(3) if the jury determines that one or more aggravating circumstances as defined in section 11 of this act exist and that they outweigh the mitigating circumstances, if any, it shall return an advisory verdict recommending to the trial court that the penalty be death.

(f) The decision of the jury to return an advisory verdict recommending a sentence of life imprisonment without parole must be based

on a vote of a majority of the jurors. The decision of the jury to recommend a sentence of death must be based on a vote of at least ten jurors. The verdict of the jury must be in writing and must specify the vote.

(g) If the jury is unable to reach an advisory verdict recommending a sentence, or for other manifest necessity, the trial court may declare a mistrial of the sentence hearing. Such a mistrial shall not affect the conviction. After such a mistrial or mistrials another sentence hearing shall be conducted before another jury, selected according to the laws and rules governing the selection of a jury for the trial of a capital case. Provided however, that , subject to the provisions of section 6(c) of this act, after one or more mistrials both parties with the consent of the court may waive the right to have an advisory verdict from a jury, in which event the issue of sentence shall be submitted to the trial court without a recommendation from a jury.

Section 9. (a) After the sentence hearing has been conducted, and after the jury has returned an advisory verdict, or after such a verdict has been waived as provided in section 8(a) or section 8(g) of this act, the trial court shall proceed to determine the sentence.

(b) Before making the sentence determination, the trial court shall order and receive a written pre-sentence investigation report. The report shall contain the information prescribed by law or court rule for felony cases generally and any additional information specified by the trial court. No part of the report shall be kept confidential, and the parties shall have the right to respond to it and to present evidence to the court about any part of the report which is the subject of factual dispute. The report and any evidence submitted in connection with it shall be made part of the record in the case.

(c) Before imposing sentence the trial court shall permit the parties to present arguments concerning the existence of aggravating and mitigating circumstances and the proper sentence to be imposed in the case. The order of the arguments shall be the same as at the trial of a case.

(d) Based upon the evidence presented at trial, the evidence presented during the sentence hearing, and the pre-sentence investigation report and any evidence submitted in connection with it, the trial court shall enter specific written findings concerning the existence or nonexistence of each aggravating circumstance enumerated in section 11 of this act, each mitigating circumstance enumerated in section 13 of this act, and any additional mitigating circumstances offered pursuant to section 14 of this act. The trial court shall also

enter written findings of facts summarizing the crime and the defendant's participation in it.

(e) In deciding upon the sentence, the trial court shall determine whether the aggravating circumstances it finds to exist outweigh the mitigating circumstances it finds to exist, and in doing so the trial court shall consider the recommendation of the jury contained in its advisory verdict, unless such a verdict has been waived pursuant to section 8(a) or 8(g) of this act. While the jury's recommendation concerning sentence shall be given consideration, it is not binding upon the court.

Section 10. The process described in section 8(e) (2) and 8(e) (3) and in section 9(e) of this act of weighing the aggravating and mitigating circumstances to determine the sentence shall not be defined to mean a mere tallying of aggravating and mitigating circumstances for the purpose of numerical comparison. Instead, it shall be defined to mean a process by which circumstances relevant to sentence are marshalled and considered in an organized fashion for the purpose of determining whether the proper sentence in view of all the relevant circumstances in an individual case is life imprisonment without parole or death.

Section 11. Aggravating circumstances shall be the following:

(a) The capital offense was committed by a person under sentence of imprisonment;

(b) The defendant was previously convicted of another capital felony or a felony involving the use or threat of violence to the person;

(c) The defendant knowingly created a great risk of death to many persons;

(d) The capital offense was committed while the defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit, rape, robbery, burglary or kidnapping;

(e) The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

(f) The capital offense was committed for pecuniary gain;

(g) The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws; or

(h) The capital offense was especially heinous, atrocious or cruel compared to other capital offenses.

Section 12. The fact that a particular capital offense as defined in section 2(a) of this act necessarily includes one or more aggravating circumstances as specified in section 11 shall not be construed to preclude the finding and consideration of that relevant circumstance or circumstances in determining sentence. By way of illustration and not limitation, the aggravating circumstance specified in section 11(d) of this act shall be found and considered in determining sentence in every case in which a defendant is convicted of the capital offenses defined in section 2(a) (1) through (4) of this act.

Section 13. Mitigating circumstances shall include, but not be limited to, the following:

(a) The defendant has no significant history of prior criminal activity;

(b) The capital offense was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(c) The victim was a participant in the defendant's conduct or consented to it;

(d) The defendant was an accomplice in the capital offense committed by another person and his participation was relatively minor;

(e) The defendant acted under extreme duress or under the substantial domination of another person;

(f) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired; and

(g) The age of the defendant at the time of the crime.

Section 14. In addition to the mitigating circumstances specified in section 13 of this act, mitigating circumstances shall include any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant offers as a basis for a sentence of life imprisonment without parole instead of death, and any other relevant mitigating circumstance which the defendant offers as a basis for a sentence of life imprisonment without parole instead of death.

Section 15. (a) In any case in which the death penalty is imposed, in addition to reviewing the case for any error involving the conviction the Alabama Court of Criminal Appeals, subject to review by the Alabama Supreme Court, shall also review the propriety of the death sentence. This review shall include the determination of whether any error adversely affecting the rights of the defendant was

made in the sentence proceedings, whether the trial court's findings concerning the aggravating and mitigating circumstances were supported by the evidence, and whether death was the proper sentence in the case. If the court determines that an error adversely affecting the rights of the defendant was made in the sentence proceedings or that one or more of the trial court's findings concerning aggravating and mitigating circumstances were not supported by the evidence, it shall remand the case for new proceedings to the extent necessary to correct the error or errors. If the appellate court finds that no error adversely affecting the rights of the defendant was made in the sentence proceedings and that the trial court's findings concerning aggravating and mitigating circumstances were supported by the evidence, it shall proceed to review the propriety of the decision that death was the proper sentence.

(b) In determining whether death was the proper sentence in the case the Alabama Court of Criminal Appeals, subject to review by the Alabama Supreme Court, shall determine:

(1) whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

(2) whether an independent weighing of the aggravating and mitigating circumstances at the appellate level indicates that death was the proper sentence; and

(3) whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

(c) The Court of Criminal Appeals shall explicitly address each of the three questions specified in section 15(b) of this act in every case it reviews in which a sentence of death has been imposed.

(d) After performing the review specified in section 15 of this act, the Alabama Court of Criminal Appeals, subject to review by the Alabama Supreme Court, shall be authorized to:

(1) affirm the sentence of death;

(2) set the sentence of death aside and remand to the trial court for correction of any errors occurring during the sentence proceedings and for imposition of the appropriate penalty after any new sentence proceedings that are necessary, provided that such errors shall not affect the determination of guilt and shall not preclude the imposition of a sentence of death where it is determined to be proper after any new sentence proceedings that are deemed necessary; or

(3) in cases in which the death penalty is deemed inappro-

priate under section 15(b) (2) or section 15(b) (3), set the sentence of death aside and remand to the trial court with directions that the defendant be sentenced to life imprisonment without parole.

Section 16. Each person indicted for an offense punishable under the provisions of this act who is not able to afford legal counsel must be provided with court appointed counsel having no less than five years' prior experience in the active practice of criminal law.

Section 17. In all cases in which a defendant is sentenced to death, the judgment of conviction shall be subject to automatic review. The sentence of death shall be subject to review as provided in section 15 of this act.

Section 18. The Alabama Supreme Court shall promulgate pattern indictment forms for use in cases in which indictments charging offenses defined in section 2(a) of this act are thereafter returned. The Alabama Supreme Court shall also promulgate pattern verdict forms and pattern jury instructions for the trial and sentencing aspects of cases tried thereafter under this act, insofar as such verdicts and instructions relate to the particularities of cases tried under this act.

Section 19. This act applies only to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 20. Code of Alabama 1975, §13-11-1 through §13-11-9 [also compiled as Code of Alabama 1975, §13A-5-30 through §13A-5-38] is hereby repealed. All other laws or parts of laws in conflict with this act are hereby repealed. This repealer shall not affect the application of pre-existing law to conduct occurring before the effective date of this act.

Section 21. This act shall be interpreted, and if necessary reinterpreted, to be constitutional.

Section 22. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains. The provision or provisions declared unconstitutional shall be severed, and the remainder of the act shall be interpreted or reinterpreted to be constitutional the same as if the offending provision or provisions did not exist.

Section 23. It is the intent of the Legislature that if the death penalty provisions of this act are declared unconstitutional and if the offensive provision or provisions cannot be reinterpreted so as to provide a constitutional death penalty, or if the death penalty is ever declared to be unconstitutional per se, that the defendants who have

been sentenced to death under this act shall be re-sentenced to life imprisonment without parole. It is also the intent of the Legislature that in the event that the death penalty provisions of this act are declared unconstitutional and if they cannot be reinterpreted to provide a constitutional death penalty, or if the death penalty is ever declared to be unconstitutional per se, that defendants convicted thereafter for committing crimes specified in section 2(a) of this act shall be sentenced to life imprisonment without parole.

Section 24. This act shall become effective at 12:01 a.m. on July 1, 1981.

Approved March 31, 1981

Time: 4:15 P.M.

Act No. 81-179

S. 284—Mr. Callahan

AN ACT

To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975, Title 33, Section 48, as amended, is hereby amended further to read as follows:

"§33-4-48. Pay of Pilots — Generally. The master, owner, agent or operator of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates for actual draft of water at the time of pilotage; such rates to be effective for the year commencing April 1, 1981: For every vessel crossing the outer bar of Mobile Bay the sum of \$17.50 per draft foot, provided, however, the minimum pilot fee shall be computed on a minimum of fifteen feet regardless whether or not such vessel has a draft of less than fifteen feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees: On said vessels with a length overall not in excess of 499 feet, \$120.00; on said vessel with a length overall in excess of 499 feet, but not in excess of 599 feet, \$160.00; on said vessels with a length overall in excess of 599 feet, but not in excess of 699 feet, \$200.00; on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, \$240.00; on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, \$280.00; on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, \$320.00; on said vessels with a length overall in excess 999 feet, \$360.00. Vessels with a beam of 130 feet

or more shall require an assisting pilot in addition to the pilot and the fee for the assisting pilot shall be \$400.00. Vessels trading between any domestic port on the Gulf of Mexico and the Port of Mobile, drawing seven feet or less of water shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws or part of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 31, 1981.

Time: 5:30 P.M.

Act No. 81-180

H.J.R. 180—Reps. Kennedy, Sandusky, Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner,

Ward, Warren, Whatley,
Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

WHEREAS, the Alabama Legislature grievously notes the very recent and untimely death of Michael Anthony Donald of Mobile, Alabama, at the young age of just 19 years; and

WHEREAS, regrettably and in deep sorrow, we further note that Michael Donald tragically died at the hands of others, his life cut short on the threshold of young manhood; and

WHEREAS, a native Mobilian, Michael was born to the union of Mr. and Mrs. David Donald on July 24, 1961, and was baptized in Christ at the Little Welcome Baptist Church of Mobile, later to attend the Nazaree Baptist Church of that city; and

WHEREAS, Michael Anthony Donald was a 1980 graduate of Mobile's Murphy High School and, at the time of his death, was a conscientious student at Carver State Technical College in preparation for his future as a brick mason; he also was employed by the Mobile Press Register, contributing to the costs of his studies; and

WHEREAS, he was quiet and unassuming by nature and a respectable law-abiding citizen, mature beyond his years; as one who loved life and all that it offered, Michael pursued hobbies of music and sports and was a member of his community's basketball team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Michael Anthony Donald of Mobile, Alabama, and extend our most heartfelt sympathy to his family who are bereft in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Michael's parents that they, his four sisters, two brothers and other family members may know of our care and concern for them in their time of such sorrow.

Approved April 7, 1981

Time: 8:30 A.M.

HOUSE JOINT RESOLUTION

CONGRATULATING BIRMINGHAM-SOUTHERN COLLEGE ON ITS 125th ANNIVERSARY.

WHEREAS, Birmingham-Southern College this year is celebrating its 125th anniversary having been chartered as old Southern University in Greensboro in 1856; and

WHEREAS, Birmingham-Southern, which is a result of a merger between Southern University and Birmingham College in 1981, has become one of Alabama's most highly regarded academic institutions; and

WHEREAS, the college remains today as the only institution of higher education operated by the United Methodist Church of North Alabama; and

WHEREAS, under the leadership of its current president, Dr. Neal R. Berte, B-SC has established itself over the last five years as Alabama's fastest growing college or university in which time it more than doubled its enrollment; and

WHEREAS, 'Southern's alumni include men and women of success in every field including U. S. Senator Howell Heflin, Citicorp Vice Chairman G.A. Costanzo and former U. S. Surgeon General Luther Terry;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That it congratulates Birmingham-Southern on its first 125 years of service of Alabama's sons and daughters as a premier educational institution.

BE IT FURTHER RESOLVED, That by copy of this resolution, it wishes the Hilltop all good success in its continuing efforts to provide Alabama with educational leadership and academic progress.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-182

H.J.R. 187—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

HONORING MRS. RUTH E. OWEN.

WHEREAS, Mrs. Ruth E. Owen grew up in Baldwin County, Alabama, and graduated from Robertsedale High School; and

WHEREAS, Mrs. Owen has for years been active in the religious and community affairs and activities of Silverhill, Alabama; and

WHEREAS, Mrs. Owen has used her extensive education, experience and training as a nurse to unselfishly care for the ill, disabled and less fortunate members of her community; and

WHEREAS, Mrs. Owen has demonstrated a special concern for senior citizens; and

WHEREAS, Mrs. Owen has been recognized as The Silverhill, Alabama, Citizen of the Year of 1980; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Ruth E. Owen be commended for her recognition as The Silverhill, Alabama, Citizen of the Year of 1980.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Mrs. Ruth E. Owen.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-183

H.J.R. 190— Reps. Buskey, Clark (W),
Kennedy, Stewart, Zoghby,
Harper (T), Parker, Sandusky,
McMillan, Bedsole, Turner

HOUSE JOINT RESOLUTION

HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100th ANNIVERSARY OF HIS BIRTH.

WHEREAS, it is with extreme pleasure that the Legislature of Alabama notes the 100th birthday, on March 31, 1981, of Deacon Wilborn Smith of Mobile, Alabama; and

WHEREAS, born March 31, 1881, in Brundidge, Pike County, Alabama, Deacon Smith was married in 1907 to Dora Jones, now deceased, and they were the parents of seven children; one grandson, five great grandchildren and one great, great grandson now complete his beloved family; and

WHEREAS, it is further to be noted that Deacon Smith has been a devoted member, since 1922, of the Aimwell Baptist Church in Mobile, Alabama, where he is to be honored in special celebration of his 100th birthday on March 31, 1981; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulations extended to Deacon Wilborn Smith on his 100th birthday, wishing him continued happiness and joy into his second century of a full and rewarding life.

BE IT FURTHER RESOLVED, That Deacon Smith receive a copy of this resolution with a copy also provided for The Reverend Michael Jackson, Pastor, Aimwell Baptist Church.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-184

H. 137—Rep. Minus

AN ACT

Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the governing body of any incorporated municipality in Sumter County shall pass a resolution to the effect that the public welfare requires that certain territory shall be brought within the limits of a city or town, any property owner who owns fifteen (15) or more acres within the territory proposed for annexation shall have the prerogative of electing to keep his or her property either wholly or partially outside of the boundaries of the annexed area.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws with conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-185

H. 138—Rep. Minus

AN ACT

Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person permitted by law to drill wells may replace the casing in a two-inch well in Choctaw County if the owner of the well so requests.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-186

H. 139—Rep. Minus

AN ACT

Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person permitted by law to drill wells may replace the casing in a two-inch well in Sumter County if the owner of the well so requests.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-187

H. 316—Reps. Shavers, Hall, Stout

AN ACT

Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and

regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the city of Scottsboro in Jackson County may adopt ordinances, pass resolutions, or take such appropriate action as necessary to promote the general public welfare within the city, such ordinances to protect the historic character of the city in the manner hereinafter described.

Section 2. The governing body of the city may, upon the recommendation of the historic preservation commission, as provided for below, designate as a historic district any area, site, building, or structure within the city having an overall atmosphere of either historic or architectural distinction or both.

Section 3. A historic preservation commission with the following membership, duties, and powers may be created by the city governing body:

(1) Said commission shall be composed of no less than seven members who shall be selected by the city governing body in such a manner as to serve overlapping terms. Except for the first members, their terms shall be for four years. Vacancies occurring in the commission shall be filled by appointment by the city governing body. The commission shall elect from its membership a chairman and vice-chairman who shall serve for terms of one year and who shall be eligible for reelection. The chairman shall preside over the commission and shall have the right to vote.

(2) The commission shall operate under a constitution as adopted by the commission and approved by the city governing body.

(3) The commission shall have as its purposes: a. the promotion of the general public welfare, within its jurisdictional area, by maintaining and increasing real estate values, generating business creating new positions, attracting tourists and new residents, stimulating interest in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live; b. the preservation and protection of areas, sites, buildings, and structures of historic and architectural value in the historic districts, as defined in Section 2 of this act, and the maintenance and improvement of the distinctive character of these districts; c. the fostering and encouraging of the preservation, restoration, and utilization of areas, sites, buildings, and structures of historic and architectural value in the historic districts as major tourist attractions of historic, architectural, and economic value, and

in connection therewith, shall be authorized to provide for patio, sidewalk, or balcony type restaurants with outdoor dining facilities. Provided, however, all such restaurants and facilities shall in every other respect be subject to all state, county, and municipal regulations respecting food handling establishments, adopted pursuant to Section 22-20-5, Code of Alabama 1975, as amended. Provided further that nothing in this act shall be construed so as to permit the city, or commission created pursuant to the provisions of this act, to enter into the restaurant business.

(4) Said commission shall have the power and the authority in addition to all powers conferred on it by the general law, a. to purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage, acquire, and dispose of easements in any part of, and insure real and personal property of all kinds and descriptions; b. to request, solicit, and accept gifts, donations, pledges, fees, bequests, devises, loans, or appropriations of any kind and from any source whatever; c. to set up at such lawful depository or depositories in the city as it may select, a "revolving fund for historic development" which shall be composed of the monies which may come into its hands from any source whatsoever and which shall be used for the furtherance of the objectives and purposes of the commission; and d. the commission may employ such professional, office, technical, and other personnel as may be necessary or desirable for the performance of the purposes of the commission in the most efficient manner.

(5) The city governing body may provide funds, equipment, and accommodations for the commission's work.

(6) The commission shall be a nonprofit governmental agency whose funds shall be used exclusively for public purposes. Such commission shall have a tax exempt status, and the properties of the commission and the income therefrom, together with all leases, agreements, and contracts made by it, shall be forever exempt from any and all taxation by the state of Alabama and any political subdivision thereof, including, but not limited to income, admission, amusement, excise and ad valorem taxes.

(7) It shall be the duty of the commission to exercise such powers as the commission shall deem necessary and fitting to carry out the above-stated purposes.

Section 4. An architectural review board with the following membership, duties, and powers shall be selected by the city governing body:

(1) Said board shall be composed of seven members selected by the city governing body to serve overlapping terms. Except for the

first members, their terms shall be five years. Membership of the board shall at all times include the community development coordinator and one member of the historic preservation commission.

(2) The board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) Meetings shall be held at regular intervals, as may be prescribed by the city governing body and upon request of the commission.

(4) The board may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other civil employees of the city. The board may also contract with architects and other professional and technical consultants for such services as it may require.

(5) The expenditures of the board, exclusive of gifts and grants, shall be within the amounts appropriated for the purpose by the city governing body, which may provide funds, equipment, and accommodations for the board's work.

(6) It shall be the duty of the board to approve or disapprove plans for any buildings or other structures to be erected, altered, repaired, moved, or demolished which are located or are to be located within the historic districts.

Section 5. The city governing body shall prescribe the procedure for the review of building plans for any building or structure to be erected, altered, repaired, moved, or demolished which is located or is to be located in the designated historic districts, including rules governing decisions of the architectural review board and the procedure for appeal from decisions of the board.

Section 6. The city governing body may adopt such other regulations as are necessary to effect the purposes of this act.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-188

H. 420—Rep. Gilmer

AN ACT

Relating to Fayette County; to provide further for the compensation of certain election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Fayette County shall provide such additional amount of daily compensation as is necessary to grant each election clerk, inspector, and returning officer of elections a total compensation of \$25.00, and shall increase the mileage allowance of the returning officer to \$.15 a mile in going to the courthouse and returning to the place of holding the election. Such compensation and mileage shall be paid out of any funds in the county treasury available for such purposes.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-189

H. 567—Rep. Cobb

AN ACT

Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Equalization of Marion County shall be paid a total of \$30.00 per diem for each day's attendance upon the session of the board. Any portion of this amount not paid by the state shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this

Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-190

H. 568—Rep. Gilmer

AN ACT

To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 158, 1969 Special Session (Acts of 1969, p. 225), and Act No. 950, 1969 Regular Session (Acts of 1969, p. 1683), are hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-191

H. 569—Rep. Gilmer

AN ACT

Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Lamar County jury commission shall be paid an amount of compensation by the county so that the combined state and county compensation shall total \$25.00 per meeting day. This amount shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 2. The members of Lamar County board of equaliza-

tion shall be paid an amount of compensation by the county so that the combined state and county compensation shall total \$25.00 per meeting day. This amount shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 3. The members of Lamar County board of registrars shall be paid an amount of compensation by the county so that the combined state and county compensation shall total \$25.00 per meeting day. This amount shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-192

H. 587—Rep. Venable

AN ACT

To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. That no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on

any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Elmore County.

Section 2. All laws, local, general and special, in conflict with the provisions of this Act applicable to Elmore County are expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-193

H.J.R. 198—Reps. Drinkard, Cabaniss, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick,

Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

DEPLORING THE ATTEMPTED ASSASSINATION OF
 PRESIDENT RONALD REAGAN.

WHEREAS, the Legislature has been deeply shocked and is even yet stunned by the reprehensible attack on the life of President Ronald Reagan; and

WHEREAS, on March 30, 1981, the entire nation was rendered helpless in disbelief as it anxiously awaited word that our president was unharmed; and

WHEREAS, when we later learned that President Reagan had indeed been wounded, we were a fiercely angered people in our realization that the unthinkable had again occurred in our great nation; and

WHEREAS, our prayerful vigilance during our president's surgery has been rewarded by the joyous news that Mr. Reagan is in excellent condition and that the prognosis is highly favorable for total recovery from his wounds; and

WHEREAS, even as we rejoice in this news, we utterly condemn the actions of a man who would wantonly destroy a life and in so doing gravely injured not only our president but three other innocent men who were felled by the bullets fired by a vicious madman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in condemnation of this tragedy but in thankfulness that his life has been spared, we earnestly beseech that our president soon will be fully recovered from his wounds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Ronald Reagan that he and his family may know of our shared concern for his well-being and of our warm best wishes for a speedy recovery.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-194

H.J.R. 200—Rep. McKee

HOUSE JOINT RESOLUTION

HONORING MARY AUTREY

WHEREAS, Mary Autrey has served thirty-two years with the Alabama Forestry Commission with outstanding loyalty, hard work and perseverance; and

WHEREAS, Mary Autrey is retiring on Tuesday, March 31, 1981, after working solely with the Alabama Forestry Commission and has made many fine accomplishments and contributions for the Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mary Autrey be commended for her thirty-two years of service with the Alabama Forestry Commission.

BE IT FURTHER RESOLVED, That Mary Autrey receive a copy of this resolution so that she may know of this body's warm best wishes and high regard.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-195

H. 92—Rep. Manley

AN ACT

Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Bar Examiners and voted to recommend the continuance of the said board, created and functioning pursuant to Sections 34-3-1

through 34-3-108 of the Code of Alabama 1975, as amended, specifically Sections 34-3-2 and 34-3-40, and hereby recommends the continuance of the said board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-3-1 through 34-3-108, Code of Alabama 1975, as amended, relating to the State Board of Bar Examiners are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-196

H. 93—Rep. Pegues

AN ACT

Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Dental Scholarship Awards and voted to recommend the continuance of the said board, created and functioning pursuant to Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, relating to the Board of Dental Scholarship Awards are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-197

H. 94—Rep. Manley

AN ACT

Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Medical Scholarship Awards, and voted to recommend the continuance of the said authority, created and functioning pursuant to Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, relating to the Board of Medical Scholarship Awards are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-198

H. 95—Rep. Hammett

AN ACT

Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Pilotage Commission and voted to recommend the continuance of the said authority, created and functioning pursuant to Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 33-4-1 through 33-4-57, Code of Alabama 1975, relating to the State Pilotage Commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or part of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-199

H. 96—Rep. Cosby

AN ACT

Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Real Estate Commission and voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975, and hereby recommends the continuance of the said Commission and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-27-1 through 34-27-38, Code of Alabama 1975, relating to the State Real Estate Commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-200

H. 98—Rep. Whatley

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Funeral Services, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-13-1 through 34-13-134 and 34-13-150 through 34-13-152, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Funeral Services created and functioning pursuant to Sections 34-13-1 through 34-13-134 and 34-13-150 through 34-13-152 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-130 and 34-13-131 of the Code of Alabama 1975 are hereby amended to read as follows:

“§ 34-13-4.

“Upon request, the board shall publish for distribution to funeral directors, embalmers and apprentices and such other persons as may be interested therein, in pamphlet form, the provisions of this chapter together with all rules and regulations prescribed, adopted or promulgated pursuant to this chapter, together with a complete and current

list of all persons and establishments licensed under this chapter.”

“§ 34-13-10.

“Unless otherwise provided herein, violation of any part of this chapter shall be a misdemeanor and shall be punishable as such under the laws of Alabama. It is further provided that those actions specifically enumerated in subsection (2) (a), (b), (c), (d), (e), (f), (h), (j), (m) and (n) of section 34-13-56 of this article shall be punishable as a misdemeanor and may be prosecuted accordingly.”

“§ 34-13-23.

“(a) The board appointed under the provisions of this chapter and each successor thereto is authorized to select from its own membership a chairman and to adopt and promulgate such rules and regulations for the transaction of its business and for the betterment and promotion of the standards of service and practice to be followed in the funeral service profession in the state of Alabama as it may deem expedient and consistent with the laws of this state and for the public good.

“The chairman of the board shall preside at all meetings of the board unless otherwise ordered, and he shall exercise and perform all duties and functions incident to the office of chairman of the board.

“The board may select also from its own membership a vice-chairman, a secretary and a treasurer. No two offices shall be held by the same person. The chairman and vice-chairman shall not be of the same race.

“(b) The treasurer shall give bond to the state of Alabama in the sum of \$10,000.00, and any premium payable for such bond shall be paid from the funds of the board. Such bond shall be deposited with the treasurer of the state of Alabama.

“(c) Board members shall be reimbursed for their necessary traveling expenses and the necessary expenses incident to their attendance upon the business of the board, and, in addition thereto, they shall receive the sum of \$50.00 per diem for every day not to exceed 10 days per year actually spent by such member upon the business of the board. The board may employ an executive secretary and associate executive secretary who shall each receive and be paid an annual salary to be fixed by the board, but not to exceed the salary level established and paid to cabinet officers in the state government. Such salary shall be paid on a monthly basis. In addition thereto, the executive secretary and associate executive secretary shall receive his or her necessary traveling and other incidental expenses as are incurred in the performance of such duties, and all such expenses, per

diem and compensation shall be paid out of the receipts of the board. At no time shall the operation of the board be an expense to the state, and at no time shall expenses of the board exceed the receipts hereof.

“(d) The executive secretary of the board shall have complete supervision and be held responsible for the direction of the office of the board and shall have supervision over field inspection and enforcement of the provisions of this chapter and shall be responsible and answerable to said board. The associate executive secretary shall assist the executive secretary and perform such other duties as may be assigned to him or her by the board. The executive secretary and associate executive secretary shall not be of the same race.

“(e) The executive secretary of the board shall keep a record in which shall be registered the name and business address of every person to whom licenses have been granted in accordance with this chapter, the number and date of such license and the date of each renewal thereof. Upon request to do so, the executive secretary of said board shall supply each person licensed for the practice of embalming and funeral directing with a list of all persons and establishments holding a license under this chapter, then in force, giving the names of such persons, their business addresses and the numbers of their licenses.

“(f) It shall be the duty of the executive secretary of the board to prepare under the direction of said board and cause to be printed all forms required by this chapter to be prescribed by the board. All notices required to be mailed by any provision of this chapter shall be directed to the last known post office address of the party to whom the notice is sent.

“(g) Said executive secretary shall serve at the pleasure of the board and shall perform such duties as may be necessary for the proper functioning of the board as the board may determine or as may be prescribed in this chapter. During and for three years after his employment, neither the executive secretary nor any member of his family within the third degree shall be employed by any funeral establishment.

“(h) All fees received under the provisions of this chapter shall be paid into a special fund in the state treasury to be known as the Alabama state funeral directors and embalmers fund, which is hereby created, for the necessary and proper expenses of the board, and for a reasonable reserve for future use by the board. All moneys in said fund are hereby appropriated, as a continuing appropriation, to the Alabama board of funeral service to be used for carrying out any of the provisions of this chapter.

“(i) Each member of the board, the executive secretary, the

associate executive secretary and designated employees of the board appropriately identified hereby are authorized on complaint or for inspection purposes to enter the office, premise, establishment or place of business of any funeral service licensee in the state of Alabama or any office, premises, establishment or place where the practice of funeral service is carried on, or where such practice is advertised as being carried on, for the purpose of inspecting said office, premises or establishment and for the purpose of inspecting the license and registration of any funeral service licensee and apprentice trainee operating therein.

“All members of the board or designated employees of the board are hereby authorized to serve and execute any process issued by any court under the provisions of this chapter and to serve and execute any papers or process issued by the board or any officer or member thereof under authority of this chapter.

“(j) The board may employ such clerical assistants and employees or other help as may be necessary to carry out the provisions of this chapter, and the terms and conditions of such employment shall be determined by the board. The board may establish and equip an office from which the provisions of this chapter may be carried out.”

“§ 34-13-28.

“On or before April 1 of each year, the board shall report to the Governor and to the Legislature a full statement of the receipts and disbursements of the board during the preceding year and full statement of its doings and proceedings and such recommendations as it may deem proper.”

“§ 34-13-51.

“The board may, but shall not be required to, recognize and issue, without examination and upon payment of a fee of \$50.00, a reciprocal license for the practice of funeral directing for any person licensed as a funeral director by any state granting the same reciprocity to Alabama, or licensed in another state which has standards and requirements equivalent to or exceeding Alabama’s, in the discretion of the board, regardless of whether or not the other state grants reciprocity to Alabama. The board may, but shall not be required to, recognize and issue, without examination and upon payment of the prescribed fee of \$50.00, a reciprocal license for the practice of embalming in Alabama to any person who applies and submits to the board due proof and evidence of graduation from an embalming school or college recognized by the board and who, at the time of application, holds a license in any other state for the practice of embalming; provided, that proof is submitted to the board certifying that said appli-

cant is at the time of application a legal resident of Alabama and is employed by or associated with an Alabama funeral establishment.”

“§ 34-13-53.

“(a) Every licensed funeral director, every licensed embalmer and every licensed operator shall pay annually a fee for renewal of his license. The renewal fee payable by a licensed funeral director shall be \$15.00, by a licensed embalmer \$15.00, and by a licensed operator \$50.00.

“(b) All licenses granted under this chapter shall expire on October 1, following their issuance or renewal, and shall become invalid unless renewed as provided in this section. There shall be no proration of licenses.

“(c) The board shall mail on or before August 1 of each year to each licensed funeral director, to each licensed embalmer and to each licensed operator, addressed to him at his last address, a notice that his renewal fee is due and payable and that, if such fee is not paid by October 1, the license shall lapse.”

“§ 34-13-55.

“When a licensee, for any reason, has allowed his license to lapse, the board hereby is given power of reinstatement, in its discretion, if application therefor is made within a period of six months from the lapse and is accompanied by all fees, from the time of the lapse to date of reinstatement.

“§ 34-13-70.

“(a) No person shall engage in, or attempt to engage in, the practice or profession or business of a funeral director unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue license to funeral directors.

“(b) Any person desiring to engage in the business, profession or practice of funeral director shall make application to the board and shall accompany his application by the fee of \$50.00, whereupon the board shall fix the time and place for the examination of the applicant and shall notify the applicant thereof.”

“§ 34-13-90.

“(a) No person shall follow, engage in or hold himself out as engaged in the practice as an embalmer unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue licenses to embalmers.

“(b) All persons shall qualify for examination in accordance

with the provisions of this chapter and shall be licensed as an embalmer only after due examination by the board and the payment of an examination and license fee of \$50.00.

“§ 34-13-111.

“(a) No funeral establishment or branch thereof for the preparation, disposition and care of dead human bodies shall be opened or maintained unless duly licensed by the board. No funeral establishment or branch shall be moved without obtaining a new funeral establishment license from the board.

“(b) The board shall charge a fee of \$35.00 in addition to the license fee for the first inspection of any funeral establishment seeking a license under Section 34-13-72 made for the purpose of determining whether such funeral establishment has fulfilled the requirements for licensure hereunder. All funeral establishments and branches may be inspected by the board, or its representatives, at any time, and shall meet and conform to the provisions of this chapter and to such other lawful standards and requirements as may be determined by rule of the board in furtherance of the provisions of this chapter; and, for failure to do so, the board may revoke such license in accordance with the procedure set forth in this chapter.

“(c) Applications for transfer of a license to another location in the same county shall be made upon blanks furnished by the board and shall be accompanied by a fee of \$25.00. The fee for a new branch of location for a funeral establishment shall be \$250.00. Any change in ownership must be immediately reported to the board.”

“§ 34-13-113.

“(a) Application for a license to operate a funeral establishment shall be made in writing on a form provided by the board. The application shall be verified by the applicant or, if the applicant is a corporation, firm or other organization, by an officer or member thereof, and shall be accompanied by an application fee of \$100.00.

The application shall disclose:

- “(1) The name and address of the establishment;
- “(2) That the establishment is operated by a licensed funeral director and a licensed embalmer or a person licensed both as a funeral director and embalmer;
- “(3) A description of the establishment’s buildings, equipment and facilities;
- “(4) That the establishment has a sanitary, properly equipped

embalming room, a place for the conduct of funerals and a casket selection room stocked with an average selection of caskets; and

“(5) Such other information as may be required by the board.

“(b) Upon receipt of said application, the board shall make inspection of the funeral establishment. If the board determines that the establishment meets the qualifications prescribed by law, it shall issue the license.”

“§ 34-13-130.

“(a) Every person desiring to engage as an apprentice shall make application as a funeral director's apprentice or an embalmer's apprentice to the board upon a form provided by the board. The application shall state that the applicant is over the age of 16, holds a high school certificate or the equivalent, or is currently enrolled and actively working toward graduation from an accredited high school and is of good moral character. The application must be verified by the oath of applicant and be accompanied by a fee of \$10.00. The executive secretary of the board shall, whenever it appears to him that no reason exists for the denial of an application and that the application is regular upon its face, have the power to issue to the applicant a certificate of apprenticeship, without submitting the application to the board. If, however, any doubt exists as to the qualifications of the applicant, the application shall be submitted to the board and may be accepted or rejected by a majority of the board. The period of apprenticeship of a funeral director's apprentice or an embalmer's apprentice must be performed in Alabama under the supervision of a funeral director or embalmer, respectively, licensed by the Alabama Board of Federal Service.

“(b) The regular course of apprenticeship shall be two years, but the apprentice is entitled to two weeks time off each year, without leave of absence from the board. Any applicant for an apprentice certificate or license shall be credited with all time served as such as an apprentice embalmer or funeral director prior to September 10, 1975, upon filing of two affidavits confirming such service by a licensed embalmer or funeral director under whom such service was performed.”

“§ 34-13-131.

“A certificate of apprenticeship issued as provided for herein shall be signed by the apprentice and shall be renewable annually upon the payment by the holder by October 1 of each year of an annual renewal fee of \$10.00. Failure to pay the renewal fee by the prescribed date of any year shall cause the certificate to become delinquent, in

which case it shall be renewed only for good cause shown. No person may be granted a certificate of apprenticeship as funeral director's apprentice or embalmer's apprentice, respectively, for more than three consecutive years, excepting as provided. The board shall mail, on or before August 1 of each year, to each registered apprentice at his last known address, a notice that his renewal fee is due and payable and that, if not paid by October 1, his license will lapse."

Section 5. Section 34-13-30, Code of Alabama 1975, is hereby repealed and shall have no further force or effect of law.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-201

H. 99—Rep. Manley

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Examiners of Mine Personnel and voted to recommend the continuance of the board created and functioning pursuant to Sections 25-9-9 through 25-9-18, Code of Alabama 1975, with additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Examiners of Mine Personnel created and functioning pursuant to Sections 25-9-9 through 25-9-18, Code of Alabama 1975, are hereby continued.

Section 4. Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, are hereby amended to read as follows:

“§25-9-9.

“There shall be appointed by the governor a board of examiners, all of whom shall hold Alabama mine foreman’s certificates, consisting of the chief or the head mine inspector, as the director may designate, together with two active practical miners, two operators of coal mines and one practicing mining engineer. The members of this board shall be appointed by the governor and shall hold office for three years and until their successors are appointed and qualified, and, as nearly as possible, two members shall be appointed one year and three the succeeding year. The chief or the head mine inspector shall be ex officio chairman of the board. The chairman shall vote only in the case of a tie vote, and, in the absence of one member of the board, a majority of whom shall act. In the event of the failure to have a quorum, the chairman shall have the authority to select a qualified person or persons. There shall be paid to each member of the board, except the ex officio chairman, who shall serve without extra pay, \$10.00 per day. Each board member shall also be entitled to the same per diem and travel allowance as is provided by law for state employees for each day’s attendance at meetings of the board. Said board of examiners shall meet every six months at the office of the chief and shall remain in session not longer than eight days, and special meetings may be called by the chairman or a majority of the members of said board. The department shall preserve in its office a record of the meetings and transactions of the board and all certificates issued and revoked.”

“§ 25-9-10.

“The Board of examiners created by section 25-9-9 shall examine qualified applicants and give certificates of competency to persons who pass the required examinations to act as mine foremen or fire bosses in any coal mine in this state. A fee to be established by the board, not to exceed \$20.00, shall be charged for each examination given by the board and such fee shall be paid to the treasury of the state before the examination is begun. The examinations shall be conducted under such uniform rules, conditions and regulations as the board shall deem most efficient for carrying into effect the spirit and intent of this chapter. Such rules, when formulated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their information and governance prior to each examination. Such rules shall be of uniform application to all candidates.”

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-202

H. 107—Rep. Hammett

AN ACT

To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Yacht Club Association which is functioning pursuant to Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, is hereby terminated.

Section 2. Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, as amended, relating to the Alabama Yacht Club Association are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-203

H. 492—Rep. Dial

AN ACT

Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$20.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity.

The Sheriff shall bill the court from which the certain court papers arise and costs shall be paid to the county and deposited into the Sheriff's Department fund in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Cleburne County, designated for the "Sheriff's Department Fund," and shall be used for the costs and expenses incurred and related to the service of the said civil or criminal papers or documents.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-204

H. 493—Rep. Dial

AN ACT

Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 in any criminal proceeding arising out of the violation of drug and controlled

substances, whether felonious or misdemeanor, and, in any court located in the county, whether inferior court, municipal court, district court or circuit court and whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Cleburne County into the "Sheriff's Department Fund" and shall be used exclusively for the enforcement of drug and controlled substances laws.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-205

H. 494—Rep. Dial

AN ACT

Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 upon conviction in any criminal proceeding arising out of the commission of a misdemeanor or felony. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Cleburne County and shall be used exclusively for the maintenance and supervision of the county jail building.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-206

H.495—Rep. Dial

AN ACT

Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$7.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or quasi-civil proceeding at law or in equity, whether such proceeding is in any inferior court, municipal court, district court or circuit court and whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Cleburne County, designated for the "Sheriff's Department Fund," and shall be used for the costs and expenses incurred and related to the service of said civil papers or documents.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and

shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-207

H. 575—Rep. Starkey

AN ACT

Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. The County board of health of Lauderdale County, which is a part of the Northwest Alabama Regional Health Department, is hereby authorized to recommend reasonable fees or charges to the governing body of said county and the governing body shall establish the actual amount of the fee, with or without regard to such recommendation, for the rendering of public health services within said county to members of the public. Such fees shall supplement, but not replace, local, state, and federal appropriations.

Section 2. The governing body of Lauderdale County shall promulgate and fix a reasonable schedule of fees to be charged and collected from, or on behalf of, persons receiving public health services, and the amount of such fees shall include charges for personal services, inspections, and the expenses intendant upon said services such as the expenses of necessary drugs, supplies, travel and the cost of personnel time. Restaurant inspections and food handlers examinations are specifically excluded from charges. The present fee schedule shall remain in effect until the end of the 1981 fiscal year. The county governing body shall adopt a new fee schedule for each succeeding fiscal year. Said new fee schedule may be the same or different from the schedule of the preceding fiscal year. The first fee schedule shall remain in effect until the end of the 1981 fiscal year. The county governing body shall adopt a new fee schedule for each succeeding

fiscal year. Said new fee schedule may be the same or different from the schedule of the preceeding fiscal year. Provided, however, that no fee shall be collected after the beginning of the fiscal year, unless the county governing body has acted on the new fee schedule.

Section 3. All fees and receipts collected shall be paid over to the Regional Health Officer of the Northwest Alabama Regional Health Department and deposited in a bank and shall be expended for the support, maintenance, and operation of the public health services in said county.

Section 4. Funds collected under this act may be utilized as matching funds from other available sources.

Section 5. Services will not be denied any indigent person.

Section 6. In case of grievance, the aggrieved party may petition the County Health Officer in writing for an informal hearing. If satisfaction is not reached, the aggrieved party may then petition the Chairman of the County Board of Health in writing for a formal hearing before the County Board of Health.

Section 7. The county board of health shall not have authority to prohibit the installment or turning on of electrical services by a public utility to buildings based on the failure of the sewage system or septic tank to meet health regulations.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-208

H. 101—Rep. Dial

AN ACT

Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons and voted to recommend the said board, created and functioning pursuant to Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, relating to the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-209

H. 103—Rep. Dial

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Speech Pathology and Audiology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-28A-1 through 34-28A-44, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Speech Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, are hereby amended to read as follows:

“§ 34-28A-21.

“To be eligible for licensure by the board as a speech pathologist or audiologist a person shall:

“(1) Be of good moral character;

“(2) Submit transcripts from one or more accredited colleges or universities presenting evidence of the completion of 60 semester hours constituting a well-integrated program that includes 18 semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing and language and 42 semester hours in courses that provide information about and training in the management of speech, hearing and language disorders and that provide information supplementary to these fields. Of these 42 semester hours:

“a. No fewer than six may be in audiology for the speech pathologist or in speech pathology for the audiologist;

“b. No more than six may be in courses that provide academic credit for clinical practice;

“c. At least 24, not including credit for thesis or dissertation,

must be in courses in the field in which the licensure is requested; and

- “d. Thirty must be in courses accepted toward a graduate degree by the college or university in which these courses are taken.

“(3) Submit evidence of the completion of at least 300 clock hours of direct clinical experience with individuals representing a variety of communication disorders, the experience being obtained within the training institution or in one of its cooperating training programs and under the supervision of a qualified professional person;

“(4) Submit evidence of the completion of at least nine consecutive months, at no less than 30 hours per week, of clinical experience in the professional area, speech pathology or audiology, for which a license is sought. This requirement may also be fulfilled by part-time clinical experience, to be completed within a maximum period of 36 months or 20-24 hours per week for 15 months or 25-29 hours per week for 12 months. Such clinical experience must be under the direct supervision of and attested to in a notarized statement by a person licensed or otherwise qualified in the area, speech pathology or audiology, for which a license is being sought. Such clinical experience must additionally follow the completion of the requirements listed in subdivisions (2), (3) and (5) of this section;

“(5) Register with the board within 30 days of the initiation of the supervised professional experience required by subdivision (4) of this section;

“(6) Pass an examination promulgated by, or approved by, the board which represents and demonstrates that the applicant has a fundamental knowledge of:

- “a. The normal psychological, anatomical and cultural development of speech, hearing and language;
- “b. The current principles, procedures, techniques and instrumentation used in evaluating voice, language and hearing;
- “c. The disorders of voice, speech, language and hearing and their classifications, causes and manifestations;
- “d. The principles and remedial procedures used in the habilitation and rehabilitation for disorders of communications; and
- “e. The relationships between voice, speech, language and hearing problems which demonstrates his capability for the organization and administration of programs designed to provide direct service to those who suffer from disorders of communication; and

“(7) Submit evidence of possessing the required training and qualifications for licensure in both speech pathology and audiology in order to receive a dual license for which the fees charged shall be the same as for a single licensure.”

“§ 34-28A-23.

“(a) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine.

“(b) The board may examine in whatever theoretical or applied fields of speech pathology and audiology it considers appropriate to the area of specialization and may examine with regard to a person's professional skills and judgment in the utilization of speech pathology and audiology techniques and methods.

“§ 34-28A-24.

“The board shall waive the examination and grant licensure to any person certified as clinically competent by ASHA in the area for which such person is applying for licensure upon payment of the licensing fee.”

“§ 34-28A-40.

“(a) There is hereby established as an independent agency of the executive branch of the government of the state of Alabama, the Alabama board of examiners for speech pathology and audiology.

“(b) The board shall be comprised of seven members, who shall be appointed by the governor from names submitted to the governor by the association. Those persons nominated and/or appointed to serve on the board shall have been engaged in rendering services to the public and/or teaching and/or research in speech pathology and/or audiology for at least five years immediately preceding their appointment. At least three board members shall be speech pathologists, at least three shall be audiologists, and one shall be a member of the consuming public or an allied professional. The six professional speech pathologist and audiologist board members shall at all times be holders of active and valid licenses for the practice of speech pathology and audiology in this state, except for the six members first appointed, who shall fulfill the requirements set forth in the appropriate provisions of section 34-28A-21.

“(c) The governor shall appoint two board members for a term of one year, two for a term of two years, two for a term of three years and one for a term of four years. Appointments made thereafter shall be for three-year terms, with no person being eligible to serve more than two full consecutive terms. Terms shall begin on October 1, except for the first appointee member, who shall serve through Sep-

tember 30 of the year in which they are appointed before commencing the terms provided by this subsection.

“(d) The board shall meet during the month of October each year for the purposes of annual reorganization to select a chairman and an executive secretary and to compile an annual report of business conducted during the previous year. Copies of the annual report shall be submitted to the governor or his duly named representative and filed in the offices of the members of the board. Additionally, a report of the actions of the board will be presented during the program of an annual meeting of the speech and hearing association of Alabama. At least one additional meeting shall be held before the end of each year. Further meetings shall be convened at the call of the chairman or any two board members. All meetings shall be open to the public; except, that the board may hold closed sessions to prepare, approve, grade or administer examinations or, upon request of an applicant who has failed an examination, to prepare a response indicating reason for failure.

“(e) Four members of the board shall constitute a quorum to do business.

“(f) When a vacancy on the board occurs, the speech and hearing association of Alabama shall recommend not less than three persons to fill each vacancy, and the governor shall make his appointment from the persons so nominated.

“(g) The governor shall have power to remove from office any member of the board for neglect of any duty required by this chapter, for incompetency or for unprofessional conduct.”

Section 5. This Act shall become effective immediately upon its passage approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-210

S. 150—Mr. Cook

AN ACT

To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the “Surface Mining Control and Reclamation Act of 1977;” to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Indus-

trial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of this legislature by the provisions of this Act to provide for and implement a state program for abandoned mine reclamation which complies with the provisions of Title IV, Public Law 95-87 of the 95th U. S. Congress, known as the "Surface Mining Control and Reclamation Act of 1977"

Section 2. Definitions:

For the purpose of this Act the following terms shall have the meanings herein set out unless the context clearly indicates otherwise:

- (a) "Director" shall mean the Director of Industrial Relations or his authorized agents or representatives.
- (b) "Fund" shall mean State Abandoned Mine Reclamation Fund.
- (c) "Secretary" shall mean the Secretary of the United States Department of Interior.
- (d) "Federal Act" shall mean Title IV, "Abandoned Mine Reclamation", of Public Law 95-87 of the 95th U. S. Congress.
- (e) "State Reclamation Program" shall mean the state program for abandoned mine reclamation provided for in this Act.
- (f) "Abandoned Mine Lands" shall mean lands affected by the mining of coal prior to August 3, 1977 and left in either an unreclaimed or inadequately reclaimed condition, and for which there is no continuing reclamation responsibility required under State or Federal law, and which continue in their present condition to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.

Section 3. Abandoned Mine Reclamation Fund:

- (a) There is hereby created in the state treasury a special fund to be called the "State Abandoned Mine Reclamation Fund" which shall receive all state and federal appropriations,

grants and donations, and all other monies available for the purposes of this Act, and such funds are hereby appropriated and made exclusively available to be used as provided by this Act and for the purposes herein stated. All fund sources shall be separately accounted for.

- (b) Monies in the Fund may be used for the following purposes:
 - (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids, planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal in situ; and prevention, abatement and control of coal mine subsidence;
 - (2) acquisition of land as provided for in this Act.
 - (3) grants to accomplish the purposes of this Act.
 - (4) administrative expenses of the Department to accomplish the purposes of this Act.
 - (5) all other necessary expenses to accomplish the purpose of this Act.

The Department is authorized to accept, administer and expend such funds or grants as it may receive, including such funds as may be appropriated by the Legislature. The Director may transfer funds to other appropriate agencies in order to carry out the reclamation activities authorized by this Act.

Section 4. Reclamation Priorities:

- (a) Expenditures of monies from the fund on eligible lands and water shall reflect the following priorities in the order stated:
 - (1) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;
 - (2) the protection of public health, safety and general welfare from adverse effects of coal mining practices;

- (3) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.
- (4) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;
- (5) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;
- (6) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

Section 5. Eligible Lands and Water:

For purposes of this Act, lands and water eligible for reclamation or drainage abatement expenditures are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under existing state or federal laws.

Section 6. Reclamation Program:

- (a) The Department of Industrial Relations, State Programs Division, shall establish and maintain a state reclamation program for abandoned mines which complies with Title IV of Public Law 95-87. The State Reclamation Program Plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of the Federal act.
- (b) The Director shall annually submit to the Secretary, an application for the support of the State Program and implementation of specific reclamation projects. Such requests shall include, but shall not be limited to:

- (1) a general description of each proposed project;
 - (2) a priority evaluation of each proposed project;
 - (3) a statement of the estimated benefits in such terms as: number of acres restored, miles of stream improved, acres of surface lands protected from subsidence, population protected from subsidence, air pollution, hazards of mine and coal refuse disposal area fires;
 - (4) an estimate of the cost for each proposed project;
 - (5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained;
 - (6) an identification of lands or interest therein to be acquired and the estimated cost;
 - (7) in each year after the first in which a plan is filed, an inventory of each project funded under the previous year's grant; which inventory shall include details of financial expenditures on such project together with a brief description of each such project; including project locations, landowner's name, acreage, type of reclamation performed.
- (c) The costs for each proposed project shall include: actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.
- (d) The Director shall make such reports on operations of the reclamation program as required by the Secretary or by Congress.
- (e) The Director shall at all times accept and consider comments regarding annual grant applications and the eligibility, priority ranking and selection of lands for reclamation. At least 30 days prior to the submission of each annual grant application to the Secretary of Interior, the Director shall provide for a public hearing prior to the proposed submission date of the grant application and shall publish a notice in a newspaper of general circulation in the State which states that a hearing will be held, generally outlines the grant application and solicits comments regarding the application. A listing and identification of all projects included in the grant application shall be mailed to all persons who have requested

written notification of the annual grant application and shall be available to any person upon request. At the public hearing for review of an annual grant application, any person may appear before the Director and be heard on the record. The Director may receive documentary or other evidence for inclusion in the record. The Director shall fix a time for the closing of the record and may in his discretion receive such other comments or evidence as he deems appropriate after the public hearing and before the closing of the record. A copy of the record shall be included with the grant application to the Secretary of Interior.

Section 7. Right of Entry:

- (a) If the Director makes a finding in writing with supporting facts that:
 - (1) land or water resources have been adversely affected by past coal mining practices; and
 - (2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
 - (3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or
 - (4) the owners will not give permission for the State or its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Director, his agents, employees, or contractors shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or

offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: Provided, however, that this provision is not intended to create new rights of action or eliminate existing immunities.

- (b) The Director, his agents, employees, or contractors shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

Section 8. Acquisition and Disposition of Lands:

- (a) The Director, with the approval of the Secretary of Interior, may acquire title in the name of the State to any land or interest therein by purchase, donation, or condemnation if such land or interest is adversely affected by past coal mining practices and upon a determination that acquisition of such land is necessary to successful reclamation and that:
- (b) The acquired land after restoration, reclamation, abatement, control or prevention of the adverse effects of past coal mining practices will serve recreation and historical purposes, conservation and reclamation purposes or provide open space benefits; and
- (c) Permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for restoration, reclamation, abatement, control or prevention of the adverse effects of past coal mining practices; or
- (d) Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purpose of this act or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.
- (e) The Director shall acquire only such land as is necessary for the reclamation work or the post reclamation use of the land and acquisition shall be limited by the scope of the project. The price paid for land acquired under this Section shall reflect the fair market value of the land as adversely affected by past coal mining practices.

- (f) In addition to the authority to acquire land under subsection (a) of this Section the Director with the approval of the Secretary of Interior, is authorized to use money in the fund to acquire land by purchase, donation, or condemnation, and to reclaim and transfer acquired land to the State or to a political subdivision thereof, or to any person, firm, association, or corporation, if he determines that such is an integral and necessary element of an economically feasible plan for the project to construct or rehabilitate housing for persons disabled as the result of employment in the mines or work incidental thereto, persons displaced by acquisition of land pursuant to this Section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as provided in Section 410 of Public Law 95-87 or persons dislocated as the result of natural disasters or catastrophic failures from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary of Interior shall require, which may include transfers of land with or without monetary consideration: Provided, that, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such persons, firm, association, or corporation. No part of the funds provided herein may be used to pay the actual construction costs of housing. The Director, with approval of the Secretary of Interior, and with grants received for the purposes of this subsection may make grants and commitments for grants and may advance money under such terms and conditions as it may require to the State, or any department, agency, or instrumentality of the State, or any public body or nonprofit organization thereof.
- (g) Where land acquired is deemed to be suitable for industrial, commercial, residential, or recreational development, the Director, with the approval of the Secretary of Interior, may sell after appropriate public notice such land by public sale under a system of competitive bidding, in accordance with such regulations as the Director shall prescribe, at not less than fair market value, and the Director is to insure that such lands are put to proper use consistent with local, State or Federal land use plan, if any, for the area in which the land is located.
- The Director, when requested and after appropriate notice, shall hold a public hearing in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this Section are located. The hearings shall be

held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control or prevention of the adverse effects of past coal mining practices.

- (h) The Director, with the approval of the Secretary of Interior, may transfer the administrative responsibility for land acquired under this Section to any State, regional or local agency, department or institution with or without cost, upon such terms as will insure that the use of the land is consistent with the authorization under which the land was acquired.
- (i) The Director may receive grants from the Secretary of Interior when necessary to carry out provisions of this Section.

Section 9. Rights of Landowners:

- (a) Any landowner adversely affected by the action of the Director under Section 8 of this Act may institute proceedings to have the action reviewed in the Circuit Court in the county where the property or a part thereof affected by the action is located, provided that such proceedings is filed in said Court within thirty (30) days following the date of such action. The Court may grant such relief as it deems necessary, including but not limited to injunctive relief pending a hearing on the matter.
- (b) Any landowner who has received notice of acquisition from the Director under Section 8 of this Act may, within 15 days following such notice, make written application to the Director for a review as to the actual need or advisability for such acquisition. The Director shall hear the landowner's grievance within 15 days following the written application for a hearing and shall make a determination as to the need for such an acquisition and shall act accordingly.
- (c) Any landowner subject to condemnation proceedings for sale pursuant to Section 8 of this Act shall retain all rights and remedies of law provided by Title 18, Code of Alabama, 1975, and other applicable federal and state laws governing condemnation proceedings and sale at public auction. Any such landowner, his heir, assign or personal representative shall have a prior right of purchase at fair market value or the lowest bid, whichever amount is greater, over any other purchaser at such public sale provided the lands are put to proper use consistent with a local state or federal land use plan, if any, for the area in which the land is located.

- (d) Any landowner subject to condemnation proceedings or sale pursuant to Section 8 of this Act may institute proceedings to have the action reviewed in the Circuit Court in the county where the property or a part thereof affected by the action is located, provided that the complaint is filed in said Court within 30 days following the date of such action. The Court may grant such relief as it deems necessary, including but not limited to injunctive relief pending a hearing on the matter.

Section 10. Liens:

- (a) Within six months after the completion of projects to restore, reclaim, abate, control or prevent adverse effects of past coal mining practices on privately owned land, the Director shall itemize the monies so expended and may file a statement thereof in the probate judge's office of the county in which the land lies together with a notarized appraisal by a qualified independent appraiser of the value of the land before the restoration, reclamation, abatement, control or prevention of adverse effects of past coal mining practices if the monies so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this Section, who owned the surface prior to May 2, 1977, and who neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.
- (b) Any owner of land subject to a lien imposed pursuant to this Title may, within sixty (60) days of the filing of the lien, file a petition in the circuit court of the county in which the land lies to determine the increase in the market value of the land as a result of the reclamation work. The amount determined by the court to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by law.
- (c) The lien provided in this Section shall be entered in the probate judge's office in the county in which the land lies. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the monies and shall have

priority as a lien second only to the lien of real estate taxes imposed upon said land. Monies derived from the satisfaction of liens shall be deposited in the Abandoned Mine Reclamation Fund.

Section 11. Filling Voids and Sealing Tunnels:

- (a) The Governor may request the Secretary of Interior to authorize the Director to fill voids, seal open or abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mining of minerals other than coal which the Secretary determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. The Director is authorized and required to carry out such work pursuant to the request therefor by the Secretary.
- (b) Funds available for use in carrying out the purpose of this Section shall be limited to those funds which must be allocated to the State under the provisions of Subsection 402(g) of Public Law 95-87.
- (c) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meet the purpose of this Section.
- (d) The Director, with the approval of the Secretary, may acquire by purchase, donation, easement or otherwise such interest in land as he determines necessary to carry out the provisions of this Section.

Section 12. Interagency Cooperation:

All departments, boards, commissions and agencies of this State shall cooperate with the Director by providing such available technical expertise, personnel, equipment, materials and supplies as may be required to implement and administer the provisions of the Act.

Section 13. Injunctions:

- (a) The Director may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this Act, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this Act.
- (b) In any action brought pursuant to this Section, the court

may in its discretion award to the prevailing party the costs and expenses of litigation (including reasonable attorney fees).

Section 14. Powers and Functions:

It shall be the duty of the Director to administer the provisions of this Act and he shall have the power and authority to:

- (a) engage in all activities and to do all things necessary and expedient to the implementation and administration thereof:
- (b) to engage in Cooperative Agreements and projects provided for under this Act with any agency of this State, the United States or any other State and their governmental agencies.

Section 15. Insurance:

The Department shall have Workmen's Compensation on all employees operating under this Act in the amount prescribed by the Workmen's Compensation Laws of Alabama and shall carry general liability insurance in an amount to assure adequate protection for lawful acts by the Director, his agents and employees in administering this Act.

Section 16. Severability:

If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 17. Repealer:

All laws or parts of laws which conflict with this Act are hereby repealed.

Section 18. Effective Date:

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

AN ACT

To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-8-9 of the Code of Alabama 1975 is hereby amended to read as follows:

“§2-8-9. Any referendum conducted under the provisions of this article may be held on an area or statewide basis as may be determined by the certified association pursuant to rules and regulations adopted for the holding of such referendum. All owners of cattle in the area covered by the referendum who shall be subject to any assessments levied under the provisions of this article shall be entitled to vote in the referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of five years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this article.”

Section 2. Section 2-8-14 of the Code of Alabama 1975 is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-212

S.J.R. 100—Mr. Barron

SENATE JOINT RESOLUTION

HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

WHEREAS, the retirement on March 31, 1981, of Mr. Charles W. Becker culminates a distinguished career in state service for more than 28 years; and

WHEREAS, a graduate of Bryant High School in his native New York City, Mr. Becker attended City College in New York for four

years, enrolled in the School of Business Administration, and received his accounting certificate from the University of Alabama in 1954; and

WHEREAS, Mr. Becker is a veteran of World War II, discharged in 1946 following three years service in the United States Army Air Corps; and

WHEREAS, an active member of Montgomery's Saint Bede's Catholic Church, Mr. Becker also is involved in numerous charitable and civic affairs of his community; and

WHEREAS, Mr. Becker's longtime and loyal public employment began in 1952 with the State Board of Corrections; he joined the Comptroller's Office in 1958 where he has since remained, conscientiously performing his duties in a responsible manner and with extraordinary capability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charles W. Becker as a dedicated employee of the State of Alabama and sincerely wish him continued success in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Becker in token of our deep appreciation and high regard.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-213

S.J.R. 109— Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION
EXPRESSING APPRECIATION TO DR. HOWARD GUNDY

OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Howard B. Gundy has served in prestigious capacity, since July 1, 1980, as acting president and chief executive officer of the University of Alabama; and

WHEREAS, a native of New York State, Dr. Gundy earned his bachelor's degree at Syracuse University, his master's degree at the University of Buffalo and his doctorate also at Syracuse; and

WHEREAS, he came to the University of Alabama in 1966 as a professor and the first dean of the new School of Social Work; from 1971 until 1978 he was vice president of Academic Affairs and also was named director of the University's Washington Office when it opened in 1977; and

WHEREAS, Dr. Gundy subsequently served as vice president for Research and Public Service and later as special counsel to the president from December 1979 until July 1, 1980 when he was named acting president and chief executive officer of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express sincere gratitude to Dr. Howard B. Gundy for extraordinary service to the University of Alabama, both as acting president and in his many previous capacities of leadership.

BE IT FURTHER RESOLVED, That we wish Dr. Gundy every future success in continuing service to the University and direct that he receive a copy of this resolution, in expression of appreciation and in token of our warm regard.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-214

S.J.R. 110— Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague Vacca, Weeks and White

SENATE JOINT RESOLUTION

WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, with enthusiasm and in praise, the Legislature of Alabama extends a cordial welcome to Dr. Joab Thomas as the 26th president of the University of Alabama; and

WHEREAS, Dr. Joab Langston Thomas is returning home to his native Tuscaloosa and to the University he previously served for 14 years, both as faculty member and in administrative capacities; and

WHEREAS, Dr. Thomas' academic credentials are impeccable and his reputation for administrative excellence has long preceded his return to the University; and

WHEREAS, a graduate of Harvard University, where he earned his bachelors, masters and doctoral degrees, Dr. Thomas first associated with the University of Alabama in 1961 as an assistant professor of botany, to be named head of that department in 1965; and

WHEREAS, during his former tenure at Alabama, Dr. Thomas also held positions as assistant dean in the College of Arts and Sciences, dean of Student Development and vice president for Student Affairs; he resigned in 1975 to accept his present position as chancellor of North Carolina State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly welcome Dr. Joab Langston Thomas as the 26th president of our historic University of Alabama.

BE IT FURTHER RESOLVED, That Dr. Thomas receive a copy of this resolution, tendered in praise and in anticipation of his long and successful tenure as University president.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-215

S.J.R. 114—Messrs. Robertson and Holmes

SENATE JOINT RESOLUTION

WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

WHEREAS, our nation yet again has suffered the trauma of a savage attack upon the life of the President of the United States; and

WHEREAS, on March 30, 1981, following an explosion of gunfire, not only was President Ronald Reagan seriously injured but three other innocent persons fell victim to a vicious criminal's murderous attack; and

WHEREAS, such despicable action as this gives credibility to a rising concern that ours is a sick society and that such a degenerate who would stalk and kill without compassion or conscience is a product of a drug oriented culture that has become permissive in its tolerance of crime and the criminal; and

WHEREAS, thankfully, the life of our President was spared and we are prayerfully hopeful that his recovery will be rapid so that he may soon enjoy good health once again; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and very warmly wish a speedy and complete recovery for President Ronald Reagan.

BE IT FURTHER RESOLVED, That we deeply regret the abominable attack upon the President's life and direct that he be notified, by copy of this resolution, of our care and concern for him and his family during this trying time in their lives.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-216

S.J.R. 115— Messrs. Holmes, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION
NAMING THE HOME OF MR. AND MRS. GERALD WILLIS,

LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

WHEREAS, Representative and Mrs. Gerald Willis have recently completed a new home near Piedmont, Alabama, which is almost an exact duplicate of the original Hermitage in Nashville, Tennessee, the home of former United States President, Andrew Jackson; and

WHEREAS, gracefully situated in a lovely valley in the area where both Francis and Gerald Willis were born, the new home is the fulfillment of a dream toward which the Willises have worked and planned since their marriage some twenty years ago; and

WHEREAS, in appreciation of the beauty of President Jackson's Hermitage, Mr. and Mrs. Willis built their home in replica with changes only in the thickness of the walls to accommodate seven baths and in modernization of the kitchen; and

WHEREAS, this near total duplication extends to include landscaping and even inside fixtures and furnishings, many of which were hand made by artisans to specifications of those in the Hermitage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to the achievement of Francis and Gerald Willis and in gratitude for thier gift in replica of historic early America to the State of Alabama, we hereby name and designate their home, located five miles South of Piedmont, Alabama, on Highway 9, in the Nanceys Creek community of Calhoun County, "The Alabama Hermitage."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display in the home of our good friends, Representative and Mrs. Gerald Willis.

Approved April 7, 1981

Time: 8:30 A.M.

Act No. 81-217

H. 213—Reps. Carothers, Johnson (R. G.),
Shoemaker, Roberts, Biddle,
Waggoner, Gafford, Bedsole

AN ACT

To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors

to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Be It Enacted by the Legislature of Alabama:

Section 1.

The following sections of the Code of Alabama, 1975, as amended, which provide for the creation of a State Licensing Board for the Healing Arts and enumerate all of the rights, powers, duties and responsibilities of said Board are hereby expressly repealed: §34-24-1, §34-24-2, §34-24-3, §34-24-4, §34-24-5, §34-24-6, §34-24-20, §34-24-21, §34-24-22, §34-24-23, §34-24-24, §34-24-25, §34-24-26, §34-24-27, §34-24-28, §34-24-29, §34-24-30, §34-24-31, §34-24-32, §34-24-33, §34-24-34, §34-24-35, §34-24-36, §34-24-37, §34-24-38, §34-24-39.

Section 2.

On the effective date of this Act, all functions of the State Licensing Board for the Healing Arts pertaining to chiropractors or the practice of chiropractic shall be transferred to the State Board of Chiropractic Examiners established pursuant to sections 34-24-120 through 34-24-172 of the Code of Alabama, 1975, as amended.

Section 3.

All files, books, papers, records, equipment, furniture, motor vehicles, any other tangible property and any other asset employed in carrying out the powers, duties and functions of the State Licensing Board for the Healing Arts with the exception of files, books, papers, and records which relate to chiropractors or the practice of chiropractic, shall, on the effective date of this Act be transferred to the State Board of Medical Examiners for the use of the Medical Licensure Commission. All files, books, papers and records which relate to chiropractors or the practice of chiropractic shall, on the effective date of this Act, be transferred to the State Board of Chiropractic Examiners. All money, funds and other receipts on deposit in the State Treasury to the credit of a special fund for the use of the State Licensing Board for the Healing Arts shall be paid on a warrant of the State Comptroller to the State Board of Medical Examiners for its use in carrying out the provisions of the Act creating the Medical Licensure Commission.

Section 4.

Repeal. All laws or parts of laws which conflict with this Act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 5.

Severability. The provisions of this Act are severable. If any portion of this Act be held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 6.

Effective date.

Sections 1 and 2 of this act shall become effective immediately upon the passage of the act and approval by the Governor, or upon its otherwise becoming a law. Section 3 of this act shall become effective on September 30, 1981, in order to provide a transition period to permit the orderly transfer of functions, property and funds. The necessary operating expenses being paid by the Healing Arts Board prior to its abolition shall continue to be paid during the transition period. Sections 4 and 5 of this act shall become effective immediately upon the passage of the act and approval by the Governor or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 6:00 P.M.

Act No. 81-218

H. 214—Reps. Carothers, Johnson (R.G.),
Shoemaker, Roberts, Biddle,
Waggoner, Gafford, Bedsole

AN ACT

To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical

Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1.

There is hereby created a commission to be known as the Medical Licensure Commission composed of seven physicians, each of whom must be either a Doctor of Medicine or a Doctor of Osteopathy and be licensed to practice medicine or osteopathy in this State. The members of the Commission shall be appointed as follows: two physicians shall be appointed by the Lieutenant Governor; two physicians shall be appointed by the Speaker of the House of Representatives; and the remaining three physicians shall be appointed by the Governor. The members shall serve a five year term with no limit as to the number of terms a member can serve. In order to stagger the terms, the initial appointment shall be as follows: the two members appointed by the Lieutenant Governor shall serve a five year term, the two members appointed by the Speaker shall serve a four year term, one member appointed by the Governor shall serve a three year term, one member appointed by the Governor shall serve a two year term, and one member appointed by the Governor shall serve a one year term.

Section 2.

The above constituted Commission shall have the exclusive power and authority to issue, revoke and reinstate all licenses authorizing the licensee to practice medicine or osteopathy in the State of Alabama. The Commission shall have the authority to promulgate such reasonable rules and regulations as it deems proper for implementing and carrying out the provisions of this Act. However, prior to exercising its power and authority to issue, revoke or reinstate licenses, or to promulgate rules and regulations, the Medical Licensure Commission shall receive and consider but not be bound by the recommendations of the State Board of Medical Examiners.

Section 3.

All personnel and facilities necessary to administer and enforce this Act shall be furnished by the State Board of Medical Examiners. All money, funds, fees, charges, and other receipts provided for in this Act shall be paid to the State Board of Medical Examiners and used by said Board to carry out the provisions of this Act.

Section 4.

The State Board of Medical Examiners is authorized to employ investigators, attorneys, agents, and any other employees and assistants or to use any other means necessary to aid the Commission in bringing about and maintaining a rigid administration and enforcement of this Act, and the Board may incur such expenses as are reasonable and necessary and proper for assisting the Commission and

for carrying out the purposes of this Act and all laws regulating the practice of medicine or osteopathy within the State of Alabama; and, in addition, said Commission and said Board shall at all times have the power to call upon the Attorney General, District Attorneys or other prosecuting attorneys of this State in the various circuits and counties to assist the Commission and the Board in anyway either may request; and it is made the duty of all prosecuting attorneys throughout the State to assist the Commission or the Board, upon the request of either of them, in any action for injunction or any prosecution without charge or additional compensation.

Section 5.

It shall be the duty of the State Board of Medical Examiners to issue a certificate of qualification to the Medical Licensure Commission certifying each applicant for a license who has successfully passed the required examination or whose application for a license or certificate of qualification by reciprocity has been acted upon favorably by said Board, or whose application for a certificate of qualification without examination or application for reinstatement of a certificate of qualification has been acted upon favorably by said Board. Any applicant whose application either for an initial certificate of qualification or for reinstatement of a certificate of qualification is not acted upon favorably by the Board shall have the right of appeal to the Commission which shall have the authority to either affirm the Board's action or order the Board to issue a certificate of qualification to the applicant.

Section 6.

A licensee who seeks to be licensed in another state by reciprocity on the basis of his Alabama license shall have his application therefor certified by the State Board of Medical Examiners and approved by the Medical Licensure Commission. The fee for this certification shall be ten dollars (\$10.00) and shall be paid to the Board.

Section 7.

A licensee whose license has been lost or destroyed may make application to the Board for a new certificate of qualification. Such application shall be accompanied by an affidavit setting out the facts concerning the loss or destruction of the license. Any licensee whose name is changed by marriage or court order may surrender his or her license and apply to the Board for a new certificate of qualification. The fee for any new certificate of qualification shall be ten dollars (\$10.00), payable to the Board. The Commission shall then issue a new license upon such certificate of qualification at no additional charge.

Section 8.

When applicant for a license to practice medicine or osteopathy has complied fully with all requirements of the law regulating the practice of medicine or osteopathy, the Board shall issue a certificate of qualification to the Commission certifying the qualification of such person, and thereafter such applicant may apply to the Commission for a license to practice medicine or osteopathy for which such certificate indicates his qualification. If the Commission finds that the applicant is of good moral character and has been duly certified by the Board, the Commission shall issue to such applicant a license, unless it appears to the Commission that there is other good and reasonable cause for refusing to issue such license, it being the purpose and intent of this section to give the Medical Licensure Commission overall supervision, discretion and judgment with respect to the issuance of licenses authorizing the licensee to practice medicine or osteopathy within the State of Alabama.

Section 9.

Upon the filing of a certificate of qualification along with an application in proper form, if the Commission is satisfied that all requirements of the law have been met, and that such application should be approved in the interest of public welfare, it shall forthwith issue to the applicant a license of a size and artistic design to be determined by the Commission.

Every such license issued by the Commission shall be dated and be numbered in the order of issuance and shall be signed by the chairman of the Medical Licensure Commission or his designate and by the chairman of the State Board of Medical Examiners or his designate. The fee for such license shall be set by the Commission but shall not exceed one hundred fifty dollars (\$150.00).

Section 10.

In the event the Medical Licensure Commission determines that the application of any person for a license should be denied, the Commission shall promptly upon reaching its decision notify the applicant of its action, and such notice shall contain the reason for the Commission's denial of the application. In all cases where an application is denied, any fee which accompanied the application for the license shall not be refunded, and no applicant shall have the right to recover any part of such fee accompanying his application for license, the Board being empowered to retain all of said fee in order to reimburse the State for expenses incident to an investigation of the applicant and the credentials certified to the Commission.

Section 11.

It shall be the duty of the State Board of Medical Examiners to promote continuing medical education of all physicians and osteopaths licensed by the Commission and is empowered to spend a portion of its funds in any manner it deems desirable for carrying out this purpose. The Board is specifically empowered to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by the provisions of any law requiring competitive bidding. Such programs must be open to all licensed physicians and osteopaths without regard to membership in any professional organization.

Section 12.

Every person licensed to practice medicine or osteopathy in the State of Alabama shall, on or before December 31 of each succeeding year, apply to the Commission for a certificate of registration which shall be effective during the next calendar year. All new licenses issued by the Commission, upon application, shall be registered by the Commission at the time of issuance, and a certificate of registration, which shall be effective until and including the following December 31, shall be issued to the licensee. Each application shall be made on a form to be furnished by the Commission. Such application shall give the applicant's name in full, his address, the date and number of the license issued to such applicant for the practice of medicine or osteopathy and such other facts as shall tend to identify the applicant for registration as the Commission shall deem necessary. Each applicant for registration shall submit with the application a check in an amount to be set by the Commission, not to exceed one hundred twenty-five dollars (\$125.00) as a registration fee; provided, that the registration fee for a period of less than six months shall not exceed fifty dollars (\$50.00). When any licensee shall fail to register and pay the annual registration fee within thirty (30) days after registration becomes due, as provided in this section, the license of such person shall automatically be revoked without further notice or hearing; provided, that any person whose license is automatically revoked as provided herein may make application in writing to the Commission for the reinstatement of such license, and the Commission shall reinstate such license upon the payment of all past due renewal fees and upon the further payment of the sum of fifty dollars (\$50.00).

Section 13.

Upon due application therefor, by a licensee of the Medical Licensure Commission, and upon the payment of fees required to be paid by the Act, the Commission shall issue to such applicant a certificate of registration signed by the executive officer of the Commission, which certificate shall recite that such person is duly registered for the year specified.

Such certificate of registration shall contain the name of the person whom it is issued, the address of the person, the date and number of the license and such other information as the Commission shall deem advisable.

If any registrant shall change his address during the year for which any certificate of registration shall have been issued by the Commission, such registrant shall, within fifteen (15) days thereafter, notify the Commission of such change, whereupon the Commission shall issue to such registrant without additional fee, a duplicate registration certificate for such new location.

Section 14.

Any person licensed to practice medicine or osteopathy in this State, who is retired or may hereafter retire from such practice, shall not be required to register as required by this Act; provided, that such person shall file with the Commission an affidavit on a form to be furnished by the Commission, such affidavit shall state the date on which said person retired from such practice and such other facts as shall tend to verify such retirement as the Commission shall deem necessary; provided, that if such person thereafter reengages in the practice of medicine or osteopathy such person shall register with the Medical Licensure Commission as provided by this Act.

Section 15.

Fees for the issuance of licenses to practice medicine or osteopathy and registration fees shall be collected and kept by the State Board of Medical Examiners which shall furnish all employees and facilities utilized by the Commission. The State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act.

Section 16.

The Medical Licensure Commission, in addition to the powers and duties expressed in this Act with respect to the denial of a license, denial of a certificate of registration and suspension or revocation of a license, is empowered to commence and maintain in its own name in any circuit court having jurisdiction of any person within this State, who is practicing without a license or to whom a license has been denied, or to whom a certificate of registration has been denied or whose license has been suspended or revoked by action of the Commission, an action in the nature of quo warranto as provided for in section 6-6-590 et seq., as the same is now or may hereafter may be amended, to order such person to cease and desist from continuing to practice medicine or osteopathy within the State of Alabama, and

jurisdiction is conferred upon the circuit courts of this State to hear and determine all such cases. The Commission may commence and maintain such action without the filing of a bond or security and without the order of direction of a circuit judge. Nothing in this section shall be construed as conferring criminal jurisdiction upon any court not now possessing such criminal jurisdiction, nor shall such court, as an incident to the said action in the nature of quo warranto herein authorized, have the power to assess the criminal penalties herein set out. An injunction shall be issued upon proof that the person is now or has in the past engaged in the unlawful practice of medicine or osteopathy without requiring proof of actual damage sustained by any person. If such injunction is issued, the injunction shall not relieve any person, corporation, or association, nor the officers or directors thereof, from criminal prosecution for the unlawful practice of medicine or osteopathy.

Section 17.

No provision of this Act, except as provided in section 27, shall be construed as repealing any other law with reference to the requirements regulating the practice of medicine or osteopathy except insofar as the same may conflict with the provisions of this Act. It is the purpose of this Act to vest exclusively in the Medical Licensure Commission the power to issue, revoke and reinstate all licenses to practice medicine or osteopathy.

Any person who received a license to practice medicine or osteopathy shall, within ten (10) days after locating in a county, file said license in the office of the judge of probate of such county for records; and, should said practitioner remove his residence to another county, he shall within said time have his license recorded in that county.

Section 18.

Any person who shall practice medicine or osteopathy without first having complied with all the provisions of this Act, and any person who shall violate any of the provisions of this Act, shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) and, in addition thereto, and at the discretion of the trial judge, may be imprisoned in the county jail for not more than twelve (12) months and each day such person shall practice medicine or osteopathy without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense; and any person filing or attempting to file, as his own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.

Section 19.

The Medical Licensure Commission shall have the power and duty to suspend for a specified time, to be determined in the discretion of the Commission, or revoke any license to practice medicine or osteopathy in the State of Alabama whenever the licensee shall be found guilty on the basis of substantial evidence of any of the following acts or offenses:

(1) Fraud in applying for or procuring a certificate of qualification to practice medicine or osteopathy or a license to practice medicine or osteopathy in the State of Alabama;

(2) Immoral, unprofessional or dishonorable conduct as defined in the rules and regulations promulgated by the Commission;

(3) Practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioner;

(4) Conviction of a felony; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Conviction of any crime or offense which reflects the inability of the practitioner to practice medicine or osteopathy with due regard for the health or safety of his patients; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(6) Conviction for any violation of a federal or state law relating to controlled substances; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(7) Use of any untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of his proposed treatment;

(8) Distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose;

(9) Gross malpractice or repeated malpractice or gross negligence in the practice of medicine or osteopathy;

(10) Division of fees or agreement to split or divide the fees received for professional services with any person for bringing or referring a patient;

(11) Performance of unnecessary diagnostic tests or medical or surgical services;

(12) Charging fees determined by the Commission to be grossly excessive;

(13) Aiding or abetting the practice of medicine by any person not licensed by the Commission;

(14) Conviction of fraud in filing Medicare or Medicaid claims or conviction of fraud in filing claims to any third party payor; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(15) The suspension or revocation by another state of a license to practice medicine, based upon acts by the licensee similar to acts described in this section; a certified copy of the record of suspension or revocation of the state making such a suspension or revocation is conclusive evidence thereof;

(16) Refusal to appear before the State Board of Medical Examiners after having been formally requested to do so in writing by the executive director of the Board;

(17) Making any fraudulent or untrue statement to the Commission or to the State Board of Medical Examiners;

(18) The removal of staff privileges of a licensee by a hospital in this or any other state when such action is related to medical incompetence, moral turpitude, or drug or alcohol abuse.

(19) Being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition;

(a) When the issue is whether or not a doctor is physically or mentally capable of practicing medicine or osteopathy with reasonable skill and safety to patients, then, upon a showing of probable cause to the Board of Commission that the doctor is not capable of practicing medicine or osteopathy with reasonable skill and safety to patients, the Board or Commission may order and direct the doctor in question to submit to either a physical, mental or laboratory examination or any combination of such examinations to be performed by a physician or osteopath designated by the Board. The expense of such examination shall be borne by the physician or osteopath who is so examined. Every physician licensed to practice medicine or osteopathy in the State of Alabama who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing

or by the making and filing of an annual registration to practice medicine shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations and to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications.

Section 20.

(a) The State Board of Medical Examiners on its own motion may investigate any evidence which appears to show that a physician or osteopath holding a certificate of qualification to practice medicine or osteopathy in the State of Alabama is or may be guilty of any of the acts, offenses, or conditions set out in section 19 of this Act.

(b) Any physician or osteopath holding a certificate of qualification to practice medicine or osteopathy in the State of Alabama shall and is hereby required to, and any other person may, report to the Board or the Commission any information such physician, osteopath or other person may have which appears to show that any physician or osteopath holding a certificate of qualification to practice medicine or osteopathy in the State of Alabama may be guilty of any of the acts, offenses or conditions set out in Section 19 of this Act, and any physician, osteopath or other person who in good faith makes such a report to the Board or to the Commission shall not be liable to any person for any statement or opinion made in such report.

(c) If in the opinion of the Board it appears that such information provided to it under the provisions of this section may be true, the Board may request a formal interview with the physician or osteopath.

(d) If the physician or osteopath invited to a formal interview before the Board refuses to appear for such interview, the Commission shall have grounds to suspend or revoke the certificate of qualification of such physician or osteopath.

(e) Any proceeding for suspension or revocation of a license to practice medicine or osteopathy in the State of Alabama shall be conducted in accord with the following procedures:

(1) A written complaint signed by any member of the State Board of Medical Examiners, any duly licensed physician or osteopath, the executive officer of the Commission, or any other person shall be filed with the Medical Licensure Commission.

(2) The executive officer of the Commission shall set a date for the hearing of said complaint, shall notify the physician or osteopath against whom the complaint was filed of the time and

place of said hearing and shall forward to such physician or osteopath a copy of the complaint filed against him.

(3) Said notice shall be served upon the physician or osteopath against whom the complaint was filed at least twenty (20) days prior to the hearing date.

(4) Said notice may be served by any sheriff of the State of Alabama or by any person designated by the executive officer of the Commission, and if served by a person designated by the executive officer, the return of service shall be sworn to by said person before some officer authorized to administer oaths.

(5) If the physician or osteopath against whom a complaint has been filed is out of the state, or evades service, or cannot be served in person, then the service shall be made by mailing a copy of the complaint and of the notice to said person at his last known post office address in this state, and the return shall show that service has been made in this manner.

(6) The investigation shall be held with as little publicity as practicable, consistent with a fair and impartial hearing, but the physician or osteopath against whom the complaint has been filed may elect to have the hearing in public.

(7) At the hearing the physician or osteopath against whom the complaint has been filed, shall have the right to be represented by counsel and shall have the right to call any witnesses germane to the issues under consideration.

(8) The Commission may permit the complaint to be amended but no amendments shall be permitted that are not germane to the acts, offenses or conditions originally charged or that materially alters the nature of any act, offense or condition charged.

(9) The Commission shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure and as to the admissibility and weight of evidence.

(10) If a person whose qualifications are under consideration absents himself, or does not appear after having been given the required notice, the hearing may proceed in his absence.

(f) The Commission shall, temporarily, suspend the license of a physician or osteopath without a hearing simultaneously with the institution of proceedings for a hearing provided under this section on the request of the State Board of Medical Examiners if the Board finds that evidence in its possession indicates that the physician's or

osteopath's continuation in practice may constitute an immediate danger to his patients or to the public.

(g) A physician or osteopath may surrender his certificate of qualification or request in writing to the State Board of Medical Examiners that a restriction be placed upon his certificate of qualification to practice medicine or osteopathy. The Board may accept a surrender or grant such a request for restriction and shall have the authority, if it deems appropriate, to attach such restrictions to the certificate of qualification of the physician or osteopath to practice medicine or osteopathy within the State of Alabama. Removal of a voluntary restriction on a certificate of qualification shall be done only with the approval of the State Board of Medical Examiners. If the Board accepts the surrender of a certificate of qualification, it shall notify the Commission and the Commission shall withdraw the physician's or osteopath's license to practice medicine or osteopathy in the State of Alabama. If the Board attaches restrictions to a physician's or osteopath's certificate of qualification, it shall notify the Commission of the restrictions and the Commission shall also place the restrictions on the physician's or osteopath's license to practice medicine or osteopathy in the State of Alabama. If the Board denies a request by an applicant for reinstatement of his certificate of qualification or for removal of a voluntary restriction, the applicant shall have the right of appeal to the Commission which have the authority to either affirm the Board's action or order the Board to modify its action as the Commission deems appropriate.

(h) Subsequent to the holding of a hearing and the taking of evidence by the Commission as provided for in this section, the Commission shall request and consider but not be bound by a recommendation from the State Board of Medical Examiners. After receipt of the Board's recommendation, if the Commission finds that a physician or osteopath is guilty of any of the acts, offenses or conditions enumerated in Section 19 of this Act, the Commission may take any of the following actions or any combinations of the following actions:

- (1) Enter a judgment and impose a penalty;
- (2) Suspend imposition of judgment and penalty; or
- (3) Impose judgment and penalty, but suspend enforcement thereof by placing the physician or osteopath on probation, which probation shall be revocable if the Commission finds the conditions of the probation order are not followed by the physician or osteopath.
- (4) As a condition of probation the Commission may require the physician or osteopath to submit to care, counselling or treatment by physicians designated by the Commission. The expense

of such care, counselling or treatment shall be borne by the physician or osteopath on probation.

(5) The Commission may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public or for the purpose of the rehabilitation of the probationer or both.

(6) If a license to practice medicine or osteopathy in the State of Alabama is suspended, the holder of said license shall not practice during the term of suspension.

Section 21.

Whenever a license to practice medicine or osteopathy in the State of Alabama has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice his profession in this state, but the Commission may issue in behalf of such person, either with or without reexamination, a new license whenever it deems such course safe and just. Prior to such decision to reissue a license, the Commission shall request and consider but not be bound by the recommendation of the State Board of Medical Examiners.

Section 22.

To any such hearing witnesses may be subpoenaed by the Commission on its own motion, or on the demand of either side by subpoena signed by the chairman of the Commission, or by the executive officer of the Commission, and such subpoenas may be served by any sheriff of the State of Alabama, or by the executive officer of the Commission or by any person designated by the executive officer; and, if served by anyone other than a sheriff, the return of service shall be sworn to by said person before some officer authorized to administer oaths. Witnesses may be sworn by the chairman or by the person discharging the duties of said chairman. Similar subpoenas may be issued directing the production of books, papers, or documents at said hearing.

In conducting its investigations, the State Board of Medical Examiners shall have the authority of subpoena witnesses and command the production at any of its meetings of such books, documents, records and papers as it deems pertinent to any matter under investigation. The Board, by order of its chairman or executive director, may require any person to produce within this State, at such reasonable time and place as it may designate, any books, documents, records, or papers kept in any office or place without or within this State, or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter under investigation

before the Board, in order than an examination thereof may be made by the Board, or by any person employed by the Board.

In case of failure or refusal on the part of any person to comply with any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may lawfully be interrogated, any circuit court in this State, or any judge thereof, on application of the Board or its executive director, may issue an attachment for such person and compel him to comply with such order, or to attend before the Board and produce such documents and give his testimony upon such matters as may be lawfully required, and the court or judge shall have the power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein.

Section 23.

Any witness attending any such hearing or investigation shall immediately upon his discharge as a witness be paid by the party requesting the subpoena an amount not to exceed the per diem expense allowed to Alabama state employees for in-state travel and the actual cost of his transportation to and from the place of the hearing; not to exceed the mileage rate allowed to Alabama state employees for in-state travel.

Section 24.

The Commission, Board or, with the consent of the Commission, any party to any proceeding before the Commission, may cause depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in circuit courts, such depositions to be taken on a commission to be issued by the executive officer of the Commission or by the executive director of the Board and made returnable to either the Commission or the Board.

Section 25.

The Commission shall not order the suspension or revocation of a license unless at least five (5) members of the Commission are present and a majority of those present vote for such suspension or revocation.

Section 26.

Any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court. If it is subsequently determined by a court of competent jurisdiction that the Commission acted arbitrarily or capriciously or that

the Commission grossly abused its discretion, then upon issuance of a peremptory writ of mandamus, the order of the Commission shall be vacated. The reviewing court, however, shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission.

Section 27.

Repeal. The following sections of the Code of Alabama, 1975, as amended, are hereby repealed on the effective date of this Act: §34-24-90 which gives the authority and grounds for the State Board of Medical Examiners to suspend or revoke certificates of qualification; §34-24-91 which permits the Board to suspend or revoke a certificate of qualification based on the filing of a certified copy of a judgment of conviction; §34-24-92 which provides for investigations, hearings, and the procedure to be followed; §34-24-93 which relates to the summoning and swearing of witnesses; §34-24-94 which relates to penalties for the failure of witnesses to attend; §34-24-95 which relates to the compensation of witnesses; §34-24-96 which relates to the requiring of a deposit from a party for the subpoena of witnesses; §34-24-97 which relates to evidence by deposition; §34-24-98 which relates to the votes necessary for suspension or revocation and provides for notice to the State Licensing Board for the Healing Arts; §34-24-99 which relates to the issuance of a new certificate of qualification; §34-24-100 which relates to the right of appeal and the time for taking an appeal; §34-24-101 which requires the filing of a transcript and bond for costs on appeal; §34-24-102 which relates to a citation from the Clerk of the Supreme Court to the Chairman of the Board; §34-24-103 which relates to the docketing of an appeal; §34-24-104 which relates to the processing of an appeal and the application of the Supreme Court rules; §34-24-105 which directs that an order of the Board supported by the transcript should not be reversed. In addition to the above sections, all laws or parts of laws which conflict with this Act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 28.

Severability. The provisions of this Act are severable. If any portion of this Act be held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 29.

Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1981

Time: 6:00 P.M.

Time: 6:00 P.M.

Act No. 81-219

H.J.R. 202—Reps. Sasser, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett, Biddle,
 Blake, Boles, Bowling, Brakefield,
 Buskey, Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark (G), Clark (W),
 Cobb, Coburn, Cooley, Cosby,
 Crow, Daniels, Dial, Dixon,
 Drinkard, Edwards, Escott, Ford,
 Gafford, Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby, Hall,
 Hammett, Harper (O), Harper (T),
 Harrison, Harvey, Hines, Holley,
 Holmes, Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird, Langford,
 Letson, Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Minus, Mitchell, Moore,
 Naramore, Nevett, Olive, Owens,
 Parker, Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Seibels,
 Shavers, Shoemaker, Smith (C),
 Smith (J), Smith (M), Starkey,
 Stewart, Stout, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING THE MONTH OF MAY AS “DIABETES
 AWARENESS MONTH” IN ALABAMA.

WHEREAS, known as the “silent killer,” Diabetes is the third leading cause of death as well as the most common cause of irreversible blindness; and

WHEREAS, alarmingly on the increase, Diabetes is doubling in prevalence every fifteen years and, in our own State of Alabama, some

five percent of the population is afflicted with this insidious disease; and

WHEREAS, of these thousands of diabetic Alabamians, less than one-half are even aware that they have the disease which often is non-symptomatic in its early stages and undetectable other than through laboratory procedures; and

WHEREAS, the State of Alabama is unique, however, in that it has the only public diabetes hospital associated with a State University in the entire world, the Diabetes Clinic at UAB which is a complete medical hospital facility devoted exclusively to the diagnosis, treatment and eradication, through research, of Diabetes; and

WHEREAS, further, associated with the Birmingham Diabetes Clinic is Dr. Buris R. Boshell, international authority on research and treatment of Diabetes; Dr. Boshell not only has travelled all over the world lecturing on the subject but has authored numerous books and papers accepted as the most knowledgeable source of information available on Diabetes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the month of May 1981, as "Diabetes Awareness Month in Alabama."

BE IT FURTHER RESOLVED, That we also urge Governor Fob James, in concurrence with this action, to also declare said month, by proclamation, as "Diabetes Awareness Month."

RESOLVED FURTHER, That a copy of this resolution be sent to Governor James with a copy also provided for Dr. Buris S. Boshell and the Diabetes Clinic of the University of Alabama in Birmingham.

Approved April 8, 1981

Time: 9:45 A.M.

Act No. 81-220

H. 105—Rep. Pegues

AN ACT

To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset

Law, Sections 41-20-1 through 41-20-16, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Registration for Sanitarians, and voted to recommend the termination of said board created and functioning pursuant to Sections 34-28-1 through 34-28-45 of the Code of Alabama 1975, and further recommends the Sanitarians Board transfer any funds or monies it now holds to the State Board of Health which shall be used by the latter board exclusively for training and orientation of environmentalists of the Department.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-28-1 through 34-28-45 of the Code of Alabama, 1975, are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-221

H. 106—Rep. Cosby

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama

Board of Social Work Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-30-20 through 34-30-58, Code of Alabama 1975, with the additional recommendations for statutory changes of the board's licensing procedure as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Social Work Examiners, created and functioning pursuant to Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, are hereby continued.

Section 4. Section 34-30-26 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-30-26. (a) All licenses and certificates under this chapter shall be effective when issued by the State Board of Social Work Examiners.

"(b) All licenses and certificates issued by the board shall expire on the last day of the month in the calendar year that is exactly two years from the calendar year and month in which the license or certificate is issued.

"(c) A license or certificate may be renewed by the payment of the renewal fee set by the board and by the execution and submission on a form provided by the board of a sworn statement by the applicant that his license or certificate has been neither revoked nor currently suspended.

"(d) At the time of license renewal, each applicant shall present satisfactory evidence that in the period since the license was issued, such applicant has completed the continuing education requirements specified by the board. At the time of license renewal, the board may, in its discretion, waive the continuing education requirement upon a showing by an applicant that prolonged illness or other extenuating circumstances prevented completion of such requirements. A waiver shall not be granted to any applicant twice in succession.

"(e) The application for renewal must be made within 60 days after the expiration of the license or the termination of the period of suspension.

"(f) No licensee shall be denied a license renewal based on the fact that such licensee has not actively practiced social work for the previous licensing period, provided that all licensing renewal fees have been paid to the board by the licensee."

Section 5. This Board shall be reviewed by the Sunset Com-

mittee for the legislative year 1982.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-222

H. 100—Rep. Pegues

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Polygraph Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-25-1 through 34-25-36, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Polygraph Examiners created and functioning pursuant to Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24 and 34-25-29, Code of Alabama 1975, are hereby amended to read as follows:

“§34-25-4.

“(a) There is hereby established a polygraph examiners board consisting of five voting members who shall be citizens of the United States and residents of the state for at least two years prior to appointment, all of whom shall have been engaged for a period of four consecutive years in their profession as polygraph examiners prior to appointment to the board and engaged at the time of appointment as an active polygraph examiner. No board members may be employed by the same person or agency. Two of the board members must be qualified polygraph examiners of a governmental law enforcement agency, and at least three must be qualified polygraph examiners in the commercial field. Two advisory consultants shall be appointed to assist the board members. One consultant must be a qualified psychologist or psychiatrist and one a qualified attorney-at-law. The board members and advisory consultants shall be appointed by the governor of the state of Alabama for a term of four years. The terms of office of members appointed to the initial board are two for two years, two for three years and one for four years. Any vacancy in an unexpired term shall be filled by appointment of the governor with the advice and consent of the senate for the unexpired term.

“(b) The board shall have the authority to fix the number of its employees, and such employees shall be employed without regard to the merit system. The board shall set the amount of salary to be paid employees who work full-time and/or part time. The board shall have authorization to engage temporary services for the investigation of applications or to investigate complaints filed against examiners. The employees of the board shall not be covered under the state retirement system.

“(c) The board shall meet within 30 days after October 1, 1971, and elect a chairman, vice-chairman and secretary from among its members. At the meeting, the board shall specify dates spaced at three-month intervals on which examinations for polygraph examiners' licenses will be held. A copy of those dates shall forthwith be delivered to the secretary.

“(d) The vote of a majority of the board members is sufficient for passage of any business or proposal which comes before the board.”

“§34-25-5.

“(a) The board shall issue regulations consistent with the provisions of this chapter for the administration and enforcement of this

“(4) Who has not been convicted of a felony or a misdemeanor involving moral turpitude;

“(5) Who holds a baccalaureate degree from a regionally accredited college or university, and/or recognized by the board or, in lieu thereof, has five consecutive years of active investigative experience immediately preceding his application;

“(6) Who is a graduate of a polygraph examiners’ course approved by the board and has satisfactorily completed not less than six months of internship training; and

“(7) Who, when required by this chapter, passed an examination conducted by the board, or under its supervision, to determine his competency to obtain a license to practice as an examiner.

“(b) Prior to the issuance of a license, the applicant must furnish to the board evidence of a surety bond or insurance policy. Said surety bond or insurance policy shall be in the sum of \$5,000.00 and shall be conditioned that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against the licensee by reason of any wrongful or illegal acts committed by him in the course of his examinations.”

“§34-25-24.

“An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the board, in its discretion, upon payment of a fee of \$60.00 and the production of satisfactory proof that:

“(1) He is at least 21 years of age;

“(2) He is a citizen of the United States;

“(3) He is of good moral character;

“(4) The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were at the date of the applicant’s licensing therein substantially equivalent to the requirements now in force in this state;

“(5) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two years prior to the application for license hereunder;

“(6) Such other state or territory grants similar reciprocity to license holders of this state; and

chapter and shall prescribe forms which shall be issued in connection therewith.

“(b) An order or a certified copy thereof, over board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.

“(c) All fees collected under the provisions of this chapter shall be paid to the board secretary. Such fees collected shall be deposited with the state treasurer for the board. Warrants shall be issued by the department of finance, state comptroller, for board expenses and operation.

“(d) Board members shall be paid \$50 per day plus mileage for attendance at regular or special board meetings. The board may approve such payment for a board member when authorized by the board to perform certain other duties of the board when not in formal, regular, or special session.

“(e) Employees shall be paid the same mileage expenses and travel allowance as provided for regular state employees.

“(f) The board shall have the authority and discretion to determine all other necessary expenses in operation of the board. Such expenses shall be subject to the state bid law. Purchases may be made through the finance department purchasing agency.

“(g) The board shall be exempt from payment of state sales tax.”

“§34-25-20.

“(a) It shall be unlawful for any person, including a city, county or state employee, to administer polygraph examinations or attempt to hold himself out as a polygraph examiner without a license approved by the board and issued by the board.

“(b) It shall be unlawful for any person, including city, county or state employees, to administer polygraph examinations utilizing any device or instrumentation which does not comply with section 34-25-3.”

“§34-25-21.

“(a) A person is qualified to receive a license as an examiner:

“(1) Who is at least 21 years of age;

“(2) Who is a citizen of the United States;

“(3) Who establishes that he is a person of honesty, truthfulness, integrity and moral fitness;

“(7) He has complied with section 34-25-23.”

“§34-25-29.

“Each polygraph examiner’s license shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually as prescribed by the board. It is further provided, that any license issued or renewed in June 1981 shall be valid for 15 months from July 1, 1981, to September 30, 1982. Fees shall be prorated accordingly for the additional 3 months. Beginning September 30, 1982, licenses shall be issued for one year and shall expire at the end of the fiscal year for which it was issued. A polygraph examiner whose license has expired may at any time within two years after the expiration thereof obtain a renewal license without examination, by making a renewal application therefor and satisfying paragraphs (2), (3) and (4) of subsection (a) of section 34-25-21. However, any polygraph examiner whose license expired while he was in the federal service on active duty with the armed forces of the United States, or the national guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service may have his license renewed without examination if within two years after termination of such service, training or education, except under condition other than honorable, he furnishes the board with an affidavit to the effect that he has been so engaged and that his service, training and/or other education has been so terminated. Paragraphs (2), (3) and (4) of subsection (a) of section 34-25-21 must also be satisfied.”

Section 5. Section 34-25-31, Code of Alabama 1975, is hereby repealed and shall have no further force or effect of law.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-223

H. 35—Reps. Minus, Manley

AN ACT

To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-18-62 of the Code of Alabama 1975 is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-224

H. 140—Rep. Minus

AN ACT

Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Sumter County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Sumter County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1982. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1982, the board of registrars of Sumter County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice by advertisement in a newspaper published in

the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive thirty dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1982 for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Sumter County, Alabama, during the period of time from the effective date hereof to January 1, 1982.

Section 8. The county governing body of Sumter County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

Sumter County, Alabama

Date _____, 198_____

Name _____
Last Middle First

Legal Residence Address _____ Street

City or Town _____

State _____

Social Security Number (Optional)_____

Other Identification _____

Date of Birth _____ Sex _____ Race _____

I now vote and I am a qualified elector in precinct or Beat

No. _____, Box No. _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19____.

Registrar - Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-225

H. 502--Rep. Biddle

AN ACT

To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Be It Enacted by the Legislature of Alabama:

Section 1. Any minor who is fourteen years of age or older, or has graduated from high school, or is married, or having been married

is divorced or is pregnant, may give effective consent to the donation of his or her bone marrow for the purpose of bone marrow transplantation. A parent or legal guardian may consent to such bone marrow donation on behalf of any other minor.

Section 2. All laws or parts of laws in conflict with this act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-226

H. 663—Rep. Pegues

AN ACT

Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, the board of registrars is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Perry County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to re-identify himself, in the manner prescribed herein, before the first day of January, 1982. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify him-

self as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1982, the board of registrars of Perry County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until four o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and re-identify themselves. The board shall give at least ten days notice by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and re-identify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and re-identify themselves in the manner prescribed herein. No voter shall appear and re-identify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive thirty dollars per day, for each day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may re-identify himself by appearing in person before the board of registrars in the beat in which he resides, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1982 for the purpose of purging the registration

Section 8. The county commission of Perry County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided.

VOTERS RE-IDENTIFICATION QUESTIONNAIRE

Name _____
First Middle Last

Identification: S.S. # or other _____

Legal Residence Address _____
 _____ Street

City or Town _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county, I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
 _____ Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19 _____,

 Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

AN ACT

Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Colbert County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person shall be five dollars (\$5.00) which shall be collected by the Sheriff and deposited into the general fund of the county. Ninety percent (90%) of each fee collected shall be credited to the Sheriff's Special Fund in the county treasury. The sheriff is hereby authorized to make requisitions to the county treasurer or other custodian of county funds on said special fund. Such fees may be drawn on and used at the sole discretion of the sheriff for the payment of any and all expenses for law enforcement purposes and the operation of his office, including but not limited to, the purchase of equipment, uniforms, materials and supplies. Ten percent (10%) of each fee collected by the sheriff shall be paid into the general fund of the county and shall be used as other general fund monies are expended. The establishment of the Sheriff's Special Fund as provided for in this Act and the use of such funds shall in no way diminish or otherwise affect any other appropriation or funds now or hereinafter provided for by law for the operation of the office of the sheriff.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-228

H. 670—Reps. Coburn, Goodwin

AN ACT

To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of

pistol permits by the sheriff and providing for distribution and use of such fees," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-229

H. 730—Rep. Minus

AN ACT

Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Sumter County, Alabama.

Section 2. Any person or party who stores, deposits or dumps any hazardous waste or non hazardous waste at Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama, shall pay two dollars (\$2.00) per drum or five dollars (\$5.00) per ton bulk weight. It is the intent of this law to cover only material that is buried permanently at site. It shall exclude any material which is incinerated, recycled, or processed for other use.

Section 3. When Chemical Waste Management, Inc., accepts hazardous or non hazardous waste, it shall collect the fee referred to in the preceding section. Chemical Waste Management, Inc. shall remit to the Sumter County General Fund, no later than the thirtieth day of the following month, the previous month's collections.

Section 4. The net revenue generated by such fees shall be disbursed by Sumter County no later than the fifteenth day of each month as follows:

(A) Five percent (5%) shall be remitted to the state Treasurer for deposit in the State Hazardous Waste Management Fund. The principal and interest accruing in said fund shall be used exclusively for the responsibility of State of Alabama under Title 22, Section 22-30-1 through Section 22-30-24, Code of Alabama 1975.

(B) Ten percent (10%) shall be remitted to the State treasurer for deposit in a special account. These funds and any accrued interest shall be used exclusively for the perpetual care responsibility of the State of Alabama under the Hazardous Waste Act of 1978. Revenue collected for this purpose in Sumter County, Alabama shall be deposited in the various financial institutions in Sumter County, Alabama.

(C) The remaining eighty-five percent (85%) shall remain in Sumter County, Alabama. The Sumter County Board of Commissioners shall disburse the eighty-five percent (85%) of said funds as follows:

The first one hundred and ninety-five thousand (\$195,000.00) dollars shall be remitted to the Sumter County General Fund, with twenty-five thousand dollars (\$25,000.00) thereof to be used for the acquisition of new automobiles for the Sumter County Sheriffs Office, and twenty thousand dollars (\$20,000.00) thereof to be used for the automation of the assessment, tax, tag, and voter records in the offices of the Tax Assessor, Tax Collector, Probate Judge, and the Board of Registrars. The next sixty thousand (\$60,000.00) dollars shall be remitted to the Sumter County Water Authority. Thereafter, the Sumter County Board of Commissioners shall disburse the balance of all funds received hereunder as follows:

13% to the North Sumter County Development Authority created pursuant to this bill; 4% to the Sumter County Industrial Development Board; 7% to the Sumter County Water Authority; 5% to the Sumter County Health Department (this 5% is intended to be in addition to the current appropriations made to said Department by the County Commissioners); 2% to Sumter County Day care Centers. If any additional local taxes are raised for public education, this 2% will go to the County General Fund; 1% to the Sumter County Fine Arts Council; 1% to the Sumter County Soil and Water Conservation District; 3% to the Sumter County Landfill; 9% to the City of Livingston; 9% to the City of York; 2% to the Town of Epes; 2% to the Town of Gainesville; 2% to the Town of Cuba; 2% to the Town of Geiger; 2% to the Town of Emelle; 1% to the Sumter County Rescue Squad; 22% to the Sumter County Board of Education one quarter of which shall be used for teacher salary supplements. These supplements are to be added to the local salary schedule and paid in whatever manner the Board of Education so desires. If at anytime there is any increase of local taxes for public education in Sumter County this 22% shall be discontinued, and disbursed as follows: Equally between the City of York, City of Livingston, Sumter County General Fund and North Sumter County Development Authority; 4% to Livingston University General Fund to be divided equally for academic and athletic scholarships; 9% to the Sumter County General

Fund of which 1% shall be earmarked for fire protection of forest lands; 3% to be earmarked for the implementation and personnel necessary for implementation for the automation of the County Records in the Tax Collector, Tax Assessor, and Probate Judge Offices; and 5% to the Sumter County General Fund for the administering of this bill.

Section 5. (a) The purpose of this section is to establish the procedure for the creation of the North Sumter County Development Authority.

(b) When used in this section, the following words and phrases shall have the following meanings, respectively, unless the content clearly indicates otherwise:

1. **AUTHORITY.** The corporation created pursuant to this section.

2. **MUNICIPALITY.** Any city or town incorporated under the laws of the State of Alabama and the inhabitants of an unincorporated community, who shall become incorporated pursuant to the provisions of Title 2, Chapter 41, Code of Alabama 1975, lying within the territory.

3. **TERRITORY.** The geographical area in North Sumter County, Alabama, which is described more particularly hereinafter.

4. **DISTRICT.** One of the seven (7) geographical areas within the territory which are named after the major municipality or major community situated within the district, which areas are described more particularly hereinafter.

5. **BOARD.** The board of directors of the authority.

6. **DIRECTOR.** A member of the board of directors.

7. **LEGISLATIVE DELEGATION.** All members of the House of Representatives and the Senate of the State of Alabama who serve all or any part of Sumter County, Alabama.

8. **PUBLIC WORKS.** Works or improvements for public use, protection or enjoyment, including, but not limited to, sewerage, parks, recreation, highways, bridges, water, gas, utilities, fire protection and garbage disposal, including services and facilities pertaining thereto.

9. **PROPERTY.** Real and personal property and interests therein.

10. **THE STATE.** The State of Alabama.

(c) The territory forming the North Sumter County Develop-

ment Authority shall be a geographical area in North Sumter County, Alabama, composed of seven (7) districts, viz: Emelle, Geiger, Panola, Gainesville, Epes, Sumterville/Hamner and Boyd, which territory and districts are more particularly shown on a map identified thereon as "The Proposed Territory And Districts For The North Sumter County Development Authority," a copy of which map is recorded in Map Book _____, page _____, records of the Probate Office of Sumter County, Alabama.

(d) The board of the North Sumter County Development Authority shall be composed of nine (9) appointed members, who shall be appointed as hereinafter set out in this subsection. One director shall be appointed as hereinafter provided from each of the seven (7) districts, which appointments shall be made by the Legislative Delegation, unless there is a municipality situated within the district. If there is a municipality situated within the district, then the city or town council and the Legislative Delegation shall appoint the respective director, with each body, that is the council and the delegation, having one vote in the appointment process. The remaining two (2) directors shall be "at large" directors, and they shall be appointed by the Legislative Delegation.

(e) The directors of the authority shall be over nineteen (19) years of age and the director appointed to represent a particular district shall be a qualified elector who resides within the district. The two (2) "at large" directors shall be over nineteen (19) years of age and shall be qualified electors who reside within the territory. In the appointment of the two (2) "at large" directors, the Legislative Delegation shall consider the racial, sexual and geographical (municipal versus rural) composition of the seven (7) directors, and the Legislative Delegation may use the appointment of the two (2) "at large" directors to more closely achieve racial, sexual and geographical balance on the board of directors of the North Sumter County Development Authority.

The terms of the initial nine (9) directors shall be determined by lot drawn by the Legislative Delegation with three (3) of the initial directors serving terms of one (1) year, three (3) of the initial directors serving terms of two (2) years and three (3) of the initial directors serving terms of three (3) years. Thereafter, the terms of directors shall be three (3) years, provided, however, that should any director cease to hold office by reason of death, resignation or for any other reason, then his or her successor in office shall be appointed in the same manner as other appointments herein, which successor shall fill the unexpired term of the deceased or departing director.

No member, officer or director of the authority shall receive any compensation for any service they may render or for any duty they

may perform in connection with the authority, provided, however, that the authority is authorized to reimburse any member, officer or director for travel expenses, and such other reasonable expenses as the authority may approve which are directly incurred for any service they may render or for any duty they may perform in connection with the authority.

(f) Upon the appointment of the nine (9) directors as provided hereinabove, the directors may become a public corporation, with the powers hereinafter provided by proceeding according to the provisions set out hereinafter.

(g) To become a corporation, the nine (9) initial directors, appointed in accordance with the procedure set out in subsection 5.4, shall present to the Secretary of State of Alabama an application signed by each of them which shall set forth:

1. The name, official designation and residence of each of the applicants and certified copies of the commissions evidencing their appointment to the office of director;

2. The date on which each applicant was inducted into office and the term of office of each applicant;

3. The name of the proposed corporation, which shall be the North Sumter County Development Authority;

4. The location of the proposed office of the proposed corporation, which office shall be within the territory of the authority; and

5. Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this bill or the laws of the State of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State of Alabama to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this subsection, he shall receive and file it and record it in an appropriate book in his office.

(h) When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a public corporation under the name submitted with the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the State of Alabama and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the authority thus formed, its incorporation, dissolution or records.

(i) The authority shall use the funds hereunder for public works within the territory, that is works or improvements for public use, protection or enjoyment, including, but not limited to, sewage, parks, recreation, highways, bridges, water, gas, utilities, fire protection and garbage disposal, including services and facilities pertaining thereto.

(j) The authority shall have the following powers:

(1) To have succession by its corporate name without time limits;

(2) To bring civil actions and have civil actions brought against it and to persecute and defend in any court having jurisdiction of the subject matter and of the parties;

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) Said authority shall not have the power of eminent domain;

(5) To enter into contracts with the United States, the State of Alabama, counties and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, firms, corporations and other persons for any purpose related to the authority's duties and obligations;

(6) To employ such attorneys and agents as the business of the authority may require; and

(7) To appoint and employ supporting staff with such duties and powers, for such terms and at such salaries as the board of directors shall deem advisable.

(k) The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of any uncommitted or unencumbered moneys then available from the funds generated hereunder.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board unless the resolution approving or ratifying the same shall include a determination that there shall be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in

sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, Code of Alabama 1975, and any other applicable statutes.

(1) Any portion of the monies received hereunder which the board of directors of the authority may determine is not then to be disbursed for public works or any other authorized purpose shall, on order of the authority be invested by the treasurer of the authority in any securities that are direct general obligations of the United States or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States, with preference being given to Sumter County financial institutions.

(m) The authority shall hold at least one (1) public meeting within the territory each year, at which meeting the authority shall report on its acts and doings within the preceding year and shall report on its plans and objectives during the coming year. Notice of this annual meeting shall be given by publishing notice thereof in a newspaper of general circulation which is published in Sumter County, Alabama.

(n) At any time when no duties or obligations of the authority shall remain to be discharged, or when all duties and obligations remaining to be discharged shall have been effectively delegated to public corporations, agencies and departments of the state, the authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the authority and which shall be sworn to by each such member before an officer authorized to take acknowledgements to deeds. Upon the filing of said application for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the authority is dissolved, and shall record the said certificate with the application of dissolution.

Section 6. Any person or party who shall violate the provisions of this act shall be guilty of a class C misdemeanor and upon conviction thereof shall be punished as provided by law. Each day during which such violations occur shall constitute a separate offense.

Section 7. If any part of this bill is declared invalid or unconstitutional, such declaration shall not affect the other parts of this bill.

Section 8. On the signature of the Governor, a copy of this bill shall be sent to Chemical Waste Management, Inc., and the Sumter County Board of Commissioners. Chemical Waste Management, Inc., shall, from the date of mailing, have thirty (30) days within which

to notify its customers and begin collecting said fees.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-230

H.J.R. 196—Rep. Biddle

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That when we adjourn today, Tuesday, March 31, 1981, we adjourn to meet again on Thursday, April 2; when we adjourn on Thursday, April 2, we adjourn to meet again on Tuesday, April 7; when we adjourn on Tuesday, April 7, we adjourn to meet again on Wednesday, April 8; and when we adjourn on Wednesday, April 8, we adjourn to meet again on Tuesday, April 14, 1981.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-231

H.J.R. 205—Reps. McKee, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy),
 Kelley, Kennedy, Laird, Langford,
 Letson, Lewis, McCorquodale,
 McMillan, Manley, Minus,
 Mitchell, Moore, Nevett, Olive,
 Owens, Parker, Patton, Payne,
 Pegues, Penry, Rains, Ray, Reed,
 Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C), Smith (J),
 Smith (M), Starkey, Stewart,
 Stout, Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARAMORE SCHOOL."

WHEREAS, Alvis E. Naramore of Jasper, Alabama, is serving his third consecutive term in the Alabama Legislature representing House District 13, the Eastern portion of Walker County; and

WHEREAS, a native of Walker County and a Jasper businessman, Mr. Naramore has long distinguished himself in service to his community and indeed to the entire State of Alabama; and

WHEREAS, a graduate of Carbon Hill High School, Alvis Naramore is a member of the Chamber of Commerce, Shriners, Order of the Eastern Star, Masons and the Elks; and

WHEREAS, Representative Naramore in serving the needs of the citizens of Walker County and Alabama is a staunch proponent of the public schools of our state, recognizing that future prosperity for Alabama is dependent upon the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to our friend and colleague, Representative Alvis E. Naramore, we hereby name the Sumiton Elementary School in Sumiton, Walker County, Alabama, the "Alvis E. Naramore School."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said school as the "Alvis E. Naramore School."

RESOLVED FURTHER, That Mr. Naramore receive a copy of this resolution as a memento of this honorary designation in gratitude for his service to Walker County and to the State of Alabama.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-232

H.J.R. 206— Reps. Seibels, Payne, Biddle,
Olive, Gafford, Amari, Cabaniss,
Lewis, Horn, Trammell, Moore,
Waggoner, Boles, Howard,
Cheatwood, Harrison, Escott,
Bennett, Jackson

HOUSE JOINT RESOLUTION

COMMENDING DR. KEITH D. BLAYNEY OF THE
UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, the Alabama Legislature is pleased to have learned that Dr. Keith D. Blayney, Dean of the School of Community and Allied Health, The University of Alabama in Birmingham, has received an award from the American Medical Association for his "Outstanding Service" as Chairman of the Committee on Allied Health Education and Accreditation; and

WHEREAS, Dr. Blayney, who served two consecutive terms as Chairman of this important committee which accredits allied health education programs nationally, is the only non-physician to hold this post; and

WHEREAS, he was also recognized for being the architect of the School of Community and Allied Health's Junior College/Regional Technical Institute Linkage, an educational consortium between UAB and Alabama's Junior Colleges which for a decade has trained allied health workers for the state while avoiding duplication of programs and which has been hailed as a national model; and

WHEREAS, for these reasons, he was cited by the American Medical Association with this award "Signifying His Important Contributions to Health Care in our Nation Through Quality Assurance in Education" and was termed "Mr. Allied Health" at the presentation of the award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we most heartily

congratulate and express our appreciation to Dr. Keith D. Blayney for outstanding performance and leadership in the field of allied health education and direct that he receive a copy of this resolution as a token of our esteem.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-233

H.J.R. 209—Reps. Daniels, Carothers, Grimsley,
Williams

HOUSE JOINT RESOLUTION

COMMENDING THE MEMBERS OF W.I.F.E., WOMEN INVOLVED IN FARM ECONOMICS.

WHEREAS, in common bond, women from all counties in Alabama have united to form an organization called Women Involved in Farm Economics; and

WHEREAS, this statewide association, known as W.I.F.E., is becoming increasingly active on behalf of the farmers in Alabama and in helping to promote Alabama's number one business which employs, involves and affects more people than any other industry in our state; and

WHEREAS, evidencing the magnitude of Alabama's agricultural industry are statistics which show gross receipts in 1980 totalling an estimated \$2 billion; and

WHEREAS, representatives of W.I.F.E. have made numerous trips to Washington, D. C., testifying before Senate Committees on behalf of the farmers in Alabama; they also have appeared on forums, participated in seminars and disseminated information on farm programs, thereby promoting agriculture and stressing the vital impact of agricultural economics in Alabama, our nation and the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the W.I.F.E. organization; we sincerely praise, both individually and collectively, these dedicated women involved in farm economics and express our admiration of their accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the officers of W.I.F.E., that the members of this fine organization may be aware of our sincere warm regard.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-234

S.J.R. 93—Messrs. Goodwin and Robertson

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the untimely death of Mr. Patrick H. Pettway who was tragically killed on March 3, 1981, at the age of just 57 years; and

WHEREAS, a native of Camden in Wilcox County, Alabama, he was the son of the late Mr. and Mrs. Robert Pettway, he was educated in the public schools of Wilcox County and at Knoxville College in Knoxville, Tennessee, Livingston University and Alabama State University; and

WHEREAS, he was faithful in stewardship to the St. Paul Baptist Church of Boligee, having first accepted Christ as his Savior as a youth when he united with the Presbyterian Church, U.S.A., in Wilcox County; and

WHEREAS, a United States Army veteran, he moved to Greene County in 1950 and began a long and meritorious career in public education as an instructor and coach; at the time of his death, he was serving as Athletic Director, Head Football Coach and Assistant Basketball Coach at Paramount High School in Boligee; and

WHEREAS, he was a devoted husband and father and, to the hundreds of boys and girls who came under his tutelage, he was teacher, mentor and friend, giving unselfishly in service to his profession; and

WHEREAS, he was a member of numerous professional associations and also actively involved with a number of civic and community organizations as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Patrick H. Pettway and extend our most heartfelt sympathy to his family and to all those who deeply grieve in his loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Nellie O. Pettway, that she and their children and other family members may know of our care and concern for them in this time of great sorrow; a copy shall also be provided for appropriate display at Paramount High School.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-235

S.J.R. 94—Messrs. Robertson and Goodwin

SENATE JOINT RESOLUTION

DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

WHEREAS, the Legislature of Alabama is cognizant that today's office is increasingly dependent upon the professional secretary's technical skill, knowledge and decision-making capability; and

WHEREAS, to meet the challenge of these rapidly changing times, a professional secretary must possess an unbelievably wide range of office skills, have the ability to assume responsibility and make decisions, and be able to exercise initiative and sound judgment; and

WHEREAS, in actuality, a secretary is an executive assistant whose calling is professional in nature and whose responsibilities reflect the importance of her role in today's society; and

WHEREAS, the week of April 19-25, 1981, is the 30th annual observance of National Professional Secretaries Week, and April 22, 1981, is National Professional Secretaries Day, so designated to focus on the importance of such profession and to pay honor to all those dedicated in said pursuit; and

WHEREAS, in concurrence with the purposes of this national observance, the Alabama Legislature also desires to recognize the professional secretaries in Alabama for their dedication and successful contributions to the function of business and government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate April 19-25, 1981, as Professional Secretaries Week, and April 22, 1981, as Professional Secretaries Day, in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in token of our appreciation and high regard.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-236

S.J.R. 95—Messrs. Robertson and deGraffenried

SENATE JOINT RESOLUTION

DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is cognizant that today's office is increasingly dependent upon the professional secretary's technical skill, knowledge and decision-making capability; and

WHEREAS, to meet the challenge of these rapidly changing times, a professional secretary must possess an unbelievably wide range of office skills, have the ability to assume responsibility and make decisions, and be able to exercise initiative and sound judgment; and

WHEREAS, in actuality, a secretary is an executive assistant whose calling is professional in nature and whose responsibilities reflect the importance of her role in today's society; and

WHEREAS, the week of April 19-25, 1981, is the 30th annual observance of National Professional Secretaries Week, and April 22, 1981, is National Professional Secretaries Day, so designated to focus on the importance of such profession and to pay honor to all those dedicated in said pursuit; and

WHEREAS, in concurrence with the purposes of this national observance, the Alabama Legislature also desires to recognize the professional secretaries in Tuscaloosa County, Alabama, for their dedication and successful contributions to the functions of business and government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate April 19-25, 1981, as Professional Secretaries Week, and April 22, 1981, as Professional Secretaries Day, in Tuscaloosa County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Tuscaloosa Chapter of the National Secretaries Association in token of our appreciation and high regard.

Approved March 9, 1981

Time: 9:00 A.M.

Act No. 81-237

S.J.R. 103—Mr. Holmes

SENATE JOINT RESOLUTION

HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

WHEREAS, the retirement of Edris Speer from active hospital administration leaves the health care industry with a deep sense of loss and regret; and

WHEREAS, she has become known for her professionalism, warmth, and dedication to the improvement of health care at Clay County Hospital and in the State; and

WHEREAS, Edris Speer is recognized as a leader in her hospital, community, and among hospital administrators collectively; and

WHEREAS, Edris Speer has served on the Board of Alabama Hospital Association and has been an active member of that Association for years; and

WHEREAS, she has spent 30 years of service to Clay County Hospital and Nursing Home; and

WHEREAS, Edris Speer has been involved in other health care agencies such as the American Red Cross and the American Lung Association; and

WHEREAS, she has served on the Board of Directors of the Alabama Hospital Association Trust, a liability trust organized by the Legislature to insure liability coverage for hospitals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this 19th day of March 1981, we do hereby recognize Edris Speer for her service to the health care industry of Alabama and wish her well in her years of retirement.

BE IT FURTHER RESOLVED, That Mrs. Speer receive a copy of this resolution, tendered in warm praise and in token of our high regard.

Approved March 9, 1981

Time: 9:00 A.M.

Act No. 81-238

S.J.R. 104—Mr. Miller

SENATE JOINT RESOLUTION

COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

WHEREAS, Mr. Yancey Parker has been a vital part of the business community in Enterprise, Alabama, since 1948; and

WHEREAS, he has contributed vastly to the economic and cultural growth not only of that city, but all of Coffee County as well; and

WHEREAS, he has served with distinction as President of the Downtown Merchants Association, as a member of the Board of Directors of the Enterprise Chamber of Commerce, on the Board of Directors of Enterprise Hospital, and on the Board of Directors of the Alabama-West Florida United Methodist Foundation; and

WHEREAS, Mr. Parker is the recipient of special awards of recognition from the Enterprise Chamber of Commerce and The Department of the Army; and

WHEREAS, a member, since 1972, of the Mayor's Advisory Committee on Industrial Procurement, he has served also on the Mayor's Advisory Committee for Community Renewal; and

WHEREAS, Mr. Parker's involvement extends further to include service as the Coordinator and Congressional Club Chairman for the Second Congressional District; and

WHEREAS, he has been a member of the Executive Committee for Army Aviation Museum Foundation, serves as Vice-President of Community Affairs 1st Region of AAA, and is on the Board of Directors of the Association of USA; and

WHEREAS, he and his lovely daughter, Melissa, now serve as the only father/daughter team on the Board of Directors of the Alabama Retail Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Yancy Parker of Enterprise, Alabama, as one of our state's most prominent citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Parker with a copy also provided, in praise, for his daughter, Melissa.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-239

S.J.R. 105—Mr. Miller

SENATE JOINT RESOLUTION

COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONG-TIME SUPPORTER OF THE AMERICAN LEGION.

WHEREAS, Mr. Warren H. "Pat" Brown joined the United States Army on February 25, 1918, and was honorably discharged from military service on July 28, 1919; and

WHEREAS, in the Springtime of 1919, on March 15, a group of 62 American servicemen met in Paris, France, and that historic assemblage was the first meeting of what was to become the American Legion; and

WHEREAS, thus it was, more than six decades ago, that Pat Brown found something in which he truly believed and, since the year of the Legion's birth, has maintained his membership, supporting and promoting the cause of Americanism and other lofty aims and goals of the American Legion; and

WHEREAS, now a loyal and honored member of Post Number 80 of Andalusia, Alabama, Mr. Pat Brown continues his faithful support in close bonds of fellowship with his fellow honorably discharged wartime veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Warren H. "Pat" Brown of Andalusia, Alabama, for outstanding loyalty and service to the American Legion.

BE IT FURTHER RESOLVED, That Mr. Brown receive a copy of this resolution, tendered in warm praise, appreciation and esteem.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-240

S.J.R. 106—Mr. Miller

SENATE JOINT RESOLUTION

HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

WHEREAS, Mr. George Johnson has recently retired, on March 1, 1981, as Administrator of Cross Trails Regional Library after serving for 24 years as executive director of this up-to-date facility which is located in Opp and serves Coffee, Covington, Conecuh, Crenshaw and Geneva Counties; and

WHEREAS, a native of Covington County, Mr. Johnson is a graduate of Red Level High School and of the University of Alabama with a certificate in Library Science and a Bachelor of Science Degree, as well as a Master's Degree in School Administration; he also studied additionally on the graduate level at the University of Illinois, Florida State University and Miami of Ohio; and

WHEREAS, he served for four years in the United States Army during which time he was assigned to company libraries both in camp and on ships, and his assignments included tours of duty in New Guinea, the Philippines and Japan; and

WHEREAS, in addition to positions as school librarian in Roanoke, Selma and Bridgeport, he has also worked in the public library in Tuscaloosa and was principal of the school at Dozier from 1953 to 1957; and

WHEREAS, Mr. Johnson became Administrator of Cross Trails Regional Library in 1957 and during his long tenure, organized the first public libraries at Brantley, Luverne, Castleberry, Hartford and Dozier, and has built or remodeled library facilities in some eight other cities in this five-county region; he has additionally been instrumental in the purchase of four bookmobiles to assure library service in rural areas; and

WHEREAS, he is a member of Phi Kappa Delta Honorary and a past president of the Alabama Library Association and has held membership in the Alabama, American, Southeastern and Tri-State Library Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. George Johnson on his prestigious professional career; we further wish him every future success and direct that he receive a copy of this resolution in token of our warm personal regards.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-241

S.J.R. 107—Mr. Miller

SENATE JOINT RESOLUTION

COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

WHEREAS, the Alabama Legislature has noted with commendation the recent retirement of Mrs. Jane Benton Davis as Cataloger for Cross Trails Regional Library where she had worked for a period of 22 years; and

WHEREAS, Mrs. Davis, who is a graduate of the University of Alabama with a B.S. degree and a certificate in Library Science, previously served as School librarian at Opp High School and at Luverne High School prior to her association with the Cross Trails Regional Library; and

WHEREAS, during her tenure at Cross Trails, she has worked tirelessly in indexing library materials and making information available to more than 120,000 persons; she further has conducted workshops on program planning and assisted personnel in acquiring materials for club programs and other occasions; and

WHEREAS, she is a member of the United Methodist Church, faithful in attendance and in service, and also has long been active in numerous other civic, charitable and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Jane Benton Davis on her prestigious career as a professional Librarian and direct that she and her family receive a copy of this resolution that they may be aware of our high praise, appreciation and esteem.

Approved April 9, 1981

Time: 9:00 A.M.

Act No. 81-242

H.J.R. 217—Rep. Parker

HOUSE JOINT RESOLUTION

DESIGNATES MAY 3 - 10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include marriage and family week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week;" and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its' social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that marriage and family week, May 3 - 10, 1981, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol; and

BE IT FURTHER RESOLVED, that each family be encouraged to consider the joy and benefits from a drink-free life style, and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Alabama Citizens Action Program.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-243

H.J.R. 218— Reps. Waggoner, Tucker, Amari,
Bennett, Biddle, Boles, Cabaniss,
Gafford, Harrison, Horn, Howard,
Jackson, Lewis, Moore, Olive,
Payne, Seibels, Trammell

HOUSE JOINT RESOLUTION

COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

WHEREAS Coach Gene Bartow led the 1981 University of Alabama in Birmingham basketball players to a 23-9 season, including an invitation to the NCAA Mideast Regional; and

WHEREAS Coach Bartow is only one of seven coaches in NCAA history to ever take three different teams to the NCAA tournament; and

WHEREAS the UAB's victories over Western Kentucky and Kentucky in the Mideast Regional tournament give Coach Bartow the most victories in the NCAA tournament of any collegiate basketball coach in the history of Alabama; and

WHEREAS Coach Bartow has been selected as the Sun Belt Conference Coach of the Year; and

WHEREAS he has been selected as the National Association of Basketball Coaches District 6 Coach of the Year;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature commends Coach Bartow for his achievements since joining UAB in 1977.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach Bartow as a symbol of our pride in his achievements and our wish for his continued success.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-244

H.J.R. 219— Reps. Waggoner, Tucker, Amari,
Bennett, Biddle, Boles, Cabaniss,
Gafford, Harrison, Horn, Howard,
Jackson, Lewis, Moore, Olive,
Payne, Seibels, Trammell

HOUSE JOINT RESOLUTION

CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

WHEREAS, in 1977 the Legislature of Alabama requested that the University of Alabama in Birmingham consider fielding a major collegiate basketball team; and

WHEREAS, the UAB quickly responded by shocking the basketball world with its announcement that Gene Bartow of UCLA would be the coach of UAB's basketball program; and

WHEREAS, the UAB basketball program has exceeded all expectations; and

WHEREAS, in the second year of play UAB was invited to play in the NIT; and

WHEREAS, in its third year of play UAB became the youngest team ever to participate in the NCAA tournament; and

WHEREAS, in 1981 UAB was tri-champion of the Sun Belt Conference, runnerup in the Sun Belt Conference tournament, was UAB's 1980 classic champion and runnerup in the University of Kentucky Invitational Tournament; and

WHEREAS, UAB participated in the NCAA tournament and won two games — the most ever won by an Alabama team — before losing to the NCAA champion, Indiana; and

WHEREAS, UAB ended the season with a 23-9 record;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature congratulates the success of Coach Bartow, Assistant Coaches Lee Hunt and Oscar Catlin, and the players, Murry Bartow, Bill McCammon, Jonath Nicholas, Luellen Foster, Oliver Robinson, Scott Simcik, Tim Almquist, Leon Morris, Glenn Marcus, Chris Giles, Craig Lane, Tim Richards, Donnie Speer and Norman Anchrum;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the coaches and players as an expression of our pride in their accomplishments.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-245

H.J.R. 220— Reps. Waggoner, Tucker, Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Harrison, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels, Trammell

COMMENDING GLENN MARCUS.

WHEREAS, the City of Alabaster has declared April 16, 1981 as "Glenn Marcus Day"; and

WHEREAS, Glenn Marcus, a native of Alabaster, Alabama, has distinguished himself in the basketball world; and

WHEREAS, at Thompson High School, under the direction of Coach Ellie Glasscock, Glenn led that school to two consecutive 3-A championships and was honored by being selected to play on the 3-A Allstate team and the 3-A Allstate tournament team; and

WHEREAS, upon graduation from Thompson High School, Glenn enrolled at Gadsden State Junior College and was coached by Stan Cook, and during his two years at that school he led his team to a 45-10 record, was the team captain, and Most Valuable Player for the Alabama Junior College Association; and

WHEREAS, upon graduation from Gadsden State Junior College Glenn enrolled at the University of Alabama in Birmingham, and while at UAB he distinguished himself as a team leader on UAB's 29-9 NCAA Mideast Regional squad, was the 1981 Most Valuable Player, was selected to the Mideast Regional, Bloomington, Indiana, All-tournament team, was selected to the All-tournament UAB Classic team for 1979-80, received honorable mention in the All-Sun Belt Conference for 1980, was Player of the Week, and received numerous other honors; and

WHEREAS, Glenn is the UAB record holder in career assists, 217 in 62 games, the most assists in a single game, 11, vs. South Alabama and Virginia Commonwealth; and

WHEREAS, one of the highlights of Glenn's illustrious career came when he scored 11 consecutive free throws to assist in defeating Kentucky in the NCAA 1981 tournament and was named Chevrolet Player of the Game; and

WHEREAS, while in UAB Glenn has played in all 62 Blazer games, including the NIT and NCAA actions;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature congratulates Glenn on his accomplishments;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Glenn for the Glenn Marcus Day as the Legislature's expression of its pride in his accomplishments.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-246

H.J.R. 222— Reps. Reed, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the imminent arrival of The Honorable George Bush to the State of Alabama to attend festivities and ceremonies related to the Centennial Celebration of the founding of Tuskegee Institute; and

WHEREAS, Vice-President Bush previously has visited our state

on several occasions, but we are particularly honored that he has been able to schedule this visit during a period of pressing commitments resulting from the hospitalization of our President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a most cordial welcome to The Honorable George Bush, Vice-President of the United States, as he visits the State of Alabama on April 12, 1981, for the purpose of participating in the Centennial Celebration of historic Tuskegee Institute.

BE IT FURTHER RESOLVED, That Vice-President Bush be presented with a copy of this resolution, both as a memento of his visit to Alabama and in expression of the gratitude of all Alabamians for his continuing dedicated service to our nation.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-247

H.J.R. 225—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

WHEREAS, in dedicated and responsible service, Mr. J. Moreland Nixon, Jr., has been employed with the City of Livingston in Sumter County, Alabama, since 1967, first serving as water plant operator, sewer and maintenance director under former Mayor Moore and later appointed Superintendent of Public Works by Mayor Drayton Pruitt; and

WHEREAS, Mr. Nixon's tenure which has now been under three Mayors, and as many city managers, has provided Livingston with a continuity of excellent service that few Alabama municipalities enjoy; and

WHEREAS, in addition to his duties as supervisor of the water, sewer and gas departments, he also is fiscal officer of all operations with responsibility, last year, for a budget of some \$700,000; and

WHEREAS, although Mr. Nixon's staff has expanded from two assistants in 1967 to nine employees today, he remains, as always, on call 24 hours a day, seven days a week; and

WHEREAS, not only is Mr. Nixon responsible for 1,055 water,

443 gas and 719 sewer customers in Livingston, but also for the water quality and supply for an even larger number of customers throughout Eastern Sumter County; and

WHEREAS, Mr. Nixon has long been considered by many city officials as one of Livingston's most valuable employees, an opinion shared by customers who have benefitted through the years from his loyal, devoted and conscientious service in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. J. Moreland Nixon, Jr., for outstanding achievement in long tenure of service with the City of Livingston, Alabama.

BE IT FURTHER RESOLVED, That Mr. Nixon receive a copy of this resolution that he and his family may be aware of this body's deep admiration and esteem.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-248

H.J.R. 226—Rep. Willis

HOUSE JOINT RESOLUTION

COMMENDING MR. R.C. "Dick" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

WHEREAS, Mr. R.C. "Dick" Thatcher, Jr., President of Standard-Coosa-Thatcher Company, with one of the company's plants located in Piedmont, Alabama, has devoted his unselfish leadership in providing an industry employing 600 Alabamians in Piedmont, Alabama; and

WHEREAS, under his 19 years of leadership as president of the company, the Piedmont Plant has achieved its greatest growth, investing \$8 million in modernization in Piedmont. In addition to this plant, he purchased the Boaz Spinning Company in 1964 with plants located in Boaz and Guntersville, thus providing more employment for Alabamians in these areas; and

WHEREAS, Mr. Thatcher has served his industry well through directorships, president of state and national textile associations as well as a leader in civic organizations and his church; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, that we sincerely commend, honor, and express our appreciation for his outstanding leadership and dedication for Piedmont, its people, and our state; we further wish him well in all future endeavors and direct that he receive a copy of this resolution as a token of our appreciation.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-249

H.J.R. 227—Rep. Owens

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

WHEREAS, members of the Legislature and other guests were most graciously entertained this past week-end by the Etowah County delegation, the Gadsden Chamber of Commerce and other fine citizens of that area of our state; and

WHEREAS, not only did the trip serve to inform and enlighten as to the many contributions of that region to the State of Alabama, but to entertain as well with many festivities scheduled during the trip; and

WHEREAS, those unfamiliar with the friendliness and warmth of those in the Gadsden-Etowah County area were soon to know that famous Southern Hospitality is much in evidence and can be found in no greater measure anywhere in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere thanks to all members of the Etowah County delegation and to all those individuals and groups responsible for the many courtesies shown during a memorable week-end of warm hospitality.

BE IT FURTHER RESOLVED, That copies of this resolution, expressing our sincere appreciation for their kindness, be provided for those who hosted the "Gadsden-Etowah County Week-end" for the Legislature.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-250

H. 660—Reps. Cosby, Edwards, Pegues

AN ACT

Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), is hereby amended to read as follows:

“Section 1. In Dallas County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155, Code of Alabama 1975, shall be ten dollars, which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee collected shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for special purposes, in such amounts as may be determined by the court of county commissioners, board of revenue or other like governing body of the county; the remaining part of each fee collected shall be credited to the general funds of the county.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-251

H. 661—Reps. Cosby, Edwards, Pegues

AN ACT

Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Dallas County shall each be entitled to \$25.00, and the returning officer, in addition, to \$.15 a mile in going to the courthouse and returning to the place of holding the election. The several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered. The county shall

be reimbursed for the amount provided under the general law of the state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-252

H. 685—Reps. Riddick, Hall, Smith (M),
Gregg, Smith (J), Albright

AN ACT

Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In Madison County, it shall be unlawful for any person, or one or more of a group of persons together, to willfully throw or cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light from any motor vehicle, with the aid of any motor vehicle, on any highway, or in any field, woodland, or forest, in an apparent attempt or with intent to locate deer and/or other wildlife. The provisions of this section shall not apply to farmers while checking livestock upon land which they own, lease, or rent, emergency vehicles, law enforcement vehicles and public utility vehicles.

Section 2. Any violation of the provisions of this act shall be a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-253

H. 767—Rep. Greer, Coburn

AN ACT

To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector serving Lauderdale County on the effective date of this act and being active members of the supernumerary tax collectors and tax assessors of Alabama pursuant to Section 40-6-1 of the Code of Alabama 1975, as amended, shall each be entitled to claim and purchase up to five years credit for time served as chief deputy sheriff for such county provided that each shall pay to such system on or before ninety days from the effective date of this act, a sum equal to the contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made hereunder, together with interest compounded at eight percentum (8%) annually until the date of repayment.

Section 2. All laws to the contrary notwithstanding the employer cost for the granting of any service credit under the provisions of this act shall become the continuing liability of the employer for whom such service was rendered.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-254

H. 804—Rep. Dial

AN ACT

To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 81-139 is hereby amended to read as follows:

“Section 2. The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes, and the owners of the “Forest lands,” as herein defined, shall make report of the same to the Tax Assessor of Cleburne County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges and taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax.”

Section 2. Section 3 of Act 81-139 is hereby amended to read as follows:

“Section 3. The County governing body of Cleburne County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Cleburne County, to determine the area and owners thereof, and report the same to the Tax Assessor of Cleburne County who shall be authorized, after notice by certified mail to such owners, and hearing before the County governing body is requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the Tax Assessor of Cleburne County to establish such rules and regulations as are necessary to administer the provisions of this Act.”

Section 3. Section 4 of Act 81-139 is hereby amended to read as follows:

“Section 4. The tax herein imposed shall be due and payable to the tax collector of Cleburne County, and shall, when collected,

be paid to the Treasurer of Cleburne County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Cleburne County."

Section 4. Section 7 of Act 81-139 is hereby amended to read as follows:

"Section 7. This Act shall be come effective October 1, 1981 following its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-255

H.J.R. 213— Reps. Daniels, Dial, Warren, Albright, Bennett, Biddle, Boles, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R.G.), Johnson (Roy), Laird, Letson, McMillan, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Willams, Willis

HOUSE JOINT RESOLUTION

REQUESTING THE ALABAMA DEPARTMENT OF
PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND

**DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S
NEW REGULATIONS CONCERNING ONSITE SEWAGE
DISPOSAL SYSTEMS.**

WHEREAS, it has come to the attention of the Legislature that the Alabama Department of Public Health recently promulgated new regulations governing onsite sewage disposal systems; and

WHEREAS, this new regulatory document which was adopted by the State Board of Health on February 18, 1981, consists of some 47 pages of detailed regulations and requirements primarily concerning septic tank installations; and

WHEREAS, not only will these new regulations add some \$300 cost to the installation of a septic tank, but it is questionable that many of the prescribements are at all necessary to ensure the health and well-being of Alabamians; and

WHEREAS, the members of this body in responsibility to the citizens of Alabama consider it advisable to have time to fully study and assess this lengthy new document of regulations; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we hereby strongly urge the Alabama Department of Public Health to immediately suspend enforcement of the February 18, 1981 regulations governing onsite sewage disposal systems and delay implementation until June 1, 1982.

BE IT FURTHER RESOLVED, That the Department of Public Health be notified, by copy of this resolution, of this request of the Legislature that the Department may immediately cease enforcement of said regulations.

Approved April 13, 1981

Time: 9:00 A.M.

Act No. 81-256

H. 102—Rep. Hammett

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23, of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Veterinary Medical Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-29-1 through 34-29-46, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Veterinary Medical Examiners created and functioning pursuant to Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-29-20 and 34-29-23 of the Code of Alabama 1975 are hereby amended to read as follows:

“§34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter.”

“§34-29-23. The members of the state board of veterinary medical examiners shall receive \$50.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service

of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 of this Code and only in amounts as stipulated in the general appropriations act."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-257

H. 438—Reps. Sasser, Williams

AN ACT

To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Dale County is authorized, when the need exists, to provide protection against forest fires in Dale County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Dale County Commission has determined that such a need does exist in Dale County, the county commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Dale County for use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any purpose. "Forest

lands" as used in this act, shall not include any lands primarily used for residential purposes nor shall it include publicly owned lands.

Section 3. The need for such financial charge or tax to provide forest fire protection within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Dale County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such that is proposed to be paid by the owners of forest lands. Any person owning forest land in Dale County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such a charge or tax; and if a need is found to exist for such financial charge or tax, the county commission shall determine the amount of such financial charge or tax and enter on the minutes of the county commission an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Dale County at the time fixed by law for making return of the property of such property owner.

Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 5. The county commission of Dale County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Dale County, determine the area and owners thereof, and report same to the Tax Assessor of Dale County who shall be authorized, after notice by certified mail to such owners, and hearing before the county commission if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission.

Section 6. The tax herein imposed shall be due and payable

quarterly to the state department of revenue, and shall, when collected, be paid by such department into the state treasury, and credited to Dale County. All monies collected in accordance with this act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Dale County.

Section 7. The county commission of Dale County is authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-258

H. 549—Reps. Cates, Owens, Cabaniss,
Sasser, Pegues, Moore, Manley,
Clark (G), Minus, Willis, Carter,
Riddick, Shavers, Sandusky,
Coburn, Dial, McKee, Waggoner

AN ACT

To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual rate of interest to be added to all taxes administered by the department of revenue which are not paid by the prescribed due dates shall be at the same rate established by the Secretary of the Treasury under the authority of 26 USCA Section

6621. Interest due on overpayments shall be computed at the same annual rate.

Section 2. The sums collected in excess of the rate of interest at the percentage prescribed by the state department of revenue prior to the effective date of this Act shall be deposited in the general fund of the state treasury.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-259

H. 573—Rep. Harvey

AN ACT

Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Be It Enacted by the Legislature of Alabama:

Section 1. Every applicant for a license provided for in section 40-12-82 of the Code of Alabama 1975 must, before applying for such license, have received written approval from the Etowah county commission two weeks prior to date of such concert or other specified event to be held.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-260

H. 641—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Henry County, the board of education of the county is authorized to fix the annual salary of the county superintendent of education in an amount not less than \$25,500 nor more than \$30,000. Such salary shall be paid in equal monthly installments from the general fund of the county in the same manner as salaries of other county employees are paid.

Section 2. All general, local, or special laws or parts of such laws which conflict with this Act are repealed.

Section 3. The provisions of this Act shall become effective July 1, 1981.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-261

H. 642—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Henry County, each member of the county board of education is hereby authorized to receive an expense allowance of \$200.00 per month. Said expense allowance shall be in lieu of any and all other expense allowances heretofore provided by law and be payable out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-262

H. 643—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In Henry County, the county superintendent of education is entitled to receive a monthly expense allowance of \$600.00, to be paid from the general fund of the county. Said allowance shall be in lieu of any and all expense allowances heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed and specifically Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026) is hereby repealed.

Section 3. The operation of this Act shall be retroactive to October 1, 1980, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law except as herein provided.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-263

H. 745—Rep. Gilmer

AN ACT

Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Fayette County Commission shall receive an additional expense allowance of \$100 per month which shall be in addition to all other compensation and allowances now provided by law. Such allowance shall be paid out of any available funds in the county treasury and shall be paid retroactively to October 1, 1977, and shall expire as provided in Section 2.

Section 2. Effective upon the expiration of the term of office of any of the current members of the county commission, each member of the county commission shall receive an annual salary of \$14,800, which shall be the total compensation, salary and allowance of the members of the county commission and shall be in lieu of any and all other compensation, salary and expense allowances previously provided by law. The salary provided by this section may be paid out of any available funds in the county treasury.

Section 3. Upon the effective date of Section 2, all laws or parts of laws providing for any compensation, salary, expense allowance or any other allowance to the members of the county commission of Fayette County shall be repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-264

S. 152—Messrs. deGraffenried and Robertson

AN ACT

To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) is amended to read as follows:

“Sec. 2. There is hereby created and shall be established immediately after the general election in 1980, the office of District Judgeship No. 2 of Tuscaloosa County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated District Judgeship No. 1. The first judge of said additional District Judgeship No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office until a successor has been elected and qualified. Successors

shall be elected and assume office at the same time and for the same term as prescribed by law for district judges.

Section 2. The provisions of this Act are severable. If any part of this act is declared unconstitutional such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-265

S. 263—Messrs. Taylor, Vacca and Bailey

AN ACT

To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any county or group of counties, either individually or collectively, may establish a Workmen's Compensation Self-Insurance Group for the purpose of providing workmen's compensation benefits for county officials and county employees.

(b) Member counties may appropriate such funds as necessary to the Workmen's Compensation Self-Insurance Group to provide such workmen's compensation benefits.

(c) Member counties shall by the terms of this Act be qualified as self-insurers under Title 25, Chapter 5, Code of Alabama, 1975, as amended generally and Section 25-5-9, Code of Alabama, 1975, specifically and such workmen's compensation group shall be governed by the provisions of Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended.

Section 2. (a) Any county or group of counties, either individually or collectively, may establish a Health and Accident Self-Insurance Group for the purpose of providing health care and hospitalization benefits for their officers, employees and family members dependent upon such officers or employees.

(b) Member counties may appropriate such funds as necessary to the Health and Accident Self-Insurance Group to provide such hospitalization and health care benefits. Member counties may collect from its officers and employees such amounts necessary for dependent family coverage and remit the same to the Health and Accident Self-Insurance Group.

Section 3. Each Workmen's Compensation Self-Insurance Group established under the provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable which are consistent with applicable state and federal laws; establish a schedule of charges to be collected from member counties for benefits provided which are consistent with applicable state and federal laws; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and exercise such other power and authority incident to the purposes of this Act.

Section 4. Each Health and Accident Self-Insurance Group established under provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable; establish a schedule of charges to be collected from member counties for benefits provided; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and, exercise such powers and authority incident to the purposes of this Act.

Section 5. Each Health and Accident Self-Insurance Group established under the provisions of this Act shall file with the State Insurance Commissioner, a copy of its by-laws and schedule of benefits and charges. Such group, however, shall be exempt from regulation by the Department of Insurance of the State of Alabama and all premiums or charges collected shall be exempt from insurance premium tax.

Section 6. Sections 1 and 3 of this Act are supplemental and shall insofar as possible be construed in *pari materia* with Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended; however, all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 7. The provisions of this Act are severable. Should any provision be declared unconstitutional, such declaration shall not affect the remaining portions thereof.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-266

S. 281—Mr. Callahan

AN ACT

Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. Mobile County shall be exempt from the provisions of any Act passed by the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety. No funds shall be paid from the county treasury to deputy sheriffs or any other employees of the Mobile County Sheriff for any salary increases required by any Act of the 1981 Alabama Legislature increasing the salaries of state troopers or any other employees of the Alabama Department of Public Safety.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-267

S. 463—Mr. Proctor

AN ACT

Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: The Board of Health of Shelby County may fix a schedule of fees which shall cover the actual cost or a portion thereof involved in the performance of services rendered pursuant to the duties, functions and programs required by law or by regulation or of the County or State Board of Health. Any fee schedule fixed pursuant to this Act shall be effective upon approval of the County Commission of Shelby County, Alabama.

Section 2: The Shelby County Board of Health is hereby authorized to promulgate rules and regulations necessary and proper for the administration of this act. Such regulations shall include but not be limited to the furnishing of services without charge to indigent residents, or persons of said county, and matters pertaining to payment of said fee for personal health services, permits and inspections.

Section 3: All fees collected pursuant to this Act are recurring and hereby appropriated or reappropriated to the County Health Department for the continued operation of said services and programs.

Section 4: The provisions of this Act are severable. If any part of this Act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5: All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6: This Act shall become effective immediately upon passage and approval by the Governor or upon otherwise becoming a law.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-268

S.J.R. 120— Teague, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Vacca, Weeks and White

SENATE JOINT RESOLUTION

WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

WHEREAS, we regret to learn that Senator Doug Cook has been hospitalized in Birmingham, Alabama; and

WHEREAS, our good friend and colleague, Senator Cook is serving his third term in the Legislature and this body is ever mindful of his invaluable service to state government and to all citizens of Alabama; and

WHEREAS, though expressing concern in his confinement, we are confident that he soon will be returning to his duties with the legislature and his involvement in the affairs of state government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to our friend Doug Cook and sincerely hope he will be returning to Montgomery shortly.

BE IT FURTHER RESOLVED, That Senator Cook receive a copy of this resolution that he and his family may know of our sincere wishes for his speedy recovery.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-269

S.J.R. 124—Mr. Martin

SENATE JOINT RESOLUTION

COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

WHEREAS, in pleased concurrence, the Alabama Legislature notes the selection on March 28, 1981, of Miss Pamela Leah Love as our 1981 Alabama Maid of Cotton; and

WHEREAS, a lovely young lady indeed, Pamela is the daughter of Mr. and Mrs. William Stanley Love of Decatur, and is a 19-year-old freshman at Auburn University and a member of Phi Mu Sorority; and

WHEREAS, prior to enrolling at Auburn, Miss Love attended Decatur High School where she was a 4-year varsity cheerleader and

was involved in numerous other school-related and extracurricular activities; and

WHEREAS, Pamela, who is a former Miss Tennessee Valley Exposition, also is an extremely talented vocalist and, during her high school years, participated in musical theatrical productions of the Decatur Civic Chorus; and

WHEREAS, as Alabama's 1981 Maid of Cotton, the beautiful and charming Miss Love will be travelling across our state and nation to promote Alabama's Cotton Industry and will represent the State of Alabama in the National Maid of Cotton Pageant to be held in December in Memphis, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation, we offer our congratulations and best wishes to Miss Pamela Leah Love of Decatur, Alabama, and wish her every success as Alabama's Ambassador to the National Maid of Cotton Pageant in December.

BE IT FURTHER RESOLVED, That both Miss Love and her parents receive copies of this resolution that they may know of our great pride and pleasure in Pamela's selection as Alabama Maid of Cotton.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-270

S.J.R. 125—Mr. Higginbotham

SENATE JOINT RESOLUTION

EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

WHEREAS, in the early pre-dawn hours of April 1, 1981, the Town of Hurtsboro in Russell County, Alabama, was the target of a tornado's unleashed fury which caused severe damage or totally destroyed some two-thirds of the business and residential areas in this small community in East Central Alabama; and

WHEREAS, of greater and more grievous sorrow, however, were the deaths of at least two persons and 23 or more who were injured during the storm; and

WHEREAS, during this time of misfortune and disaster for the citizens of Hurtsboro, our hearts go out to those who grieve the loss

of or injury to family and friends, and to the scores who were left homeless by the storm; and

WHEREAS, even as we express our sincere care and concern, we also stand in tribute of the courage and determination displayed by the people of Hurtsboro who are united in their resolve to restore order, care for their own and to rebuild their homes; and

WHEREAS, in the wake of devastation caused by the killer tornado, Governor Fob James has declared Hurtsboro a disaster area, and has asked that the federal government follow suit in order that the citizens of Hurtsboro might be eligible for aid in restoring their lives and their homes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest sympathy to the town and the citizens of Hurtsboro, Alabama, and urge that our federal government join with Governor James in extending aid to the people of this stricken area.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor John C. Williams of Hurtsboro, Alabama, in expression of our regret, and in pledge of our support in every possible way.

RESOLVED FURTHER, That copies of this resolution also be sent to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved April 14, 1981

Time: 10:30 A.M.

Act No. 81-271

H. 471—Rep. Letson

AN ACT

To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-9-8 of the Code of Alabama 1975 is hereby amended to read as follows:

“§16-9-8.

“In counties in which the county superintendent of education is elected by popular vote, the successful candidate shall take office on the July 1 following the date of his election. In the event the successful

candidate dies or resigns prior to the July 1 following the date of his election, a successor shall be elected at a special election held for such purpose set upon proclamation of the governor. County party committees may call primary elections to be held in accordance with Sections 17-7-1 et seq., Code of Alabama 1975, to determine party candidates at such special election. In the event one candidate at such election does not receive a majority of all votes cast at the election, there shall be held a run-off election three weeks after the date of the first election between the two candidates who received the highest number of votes. The incumbent shall continue to hold office until a successor is elected and qualified."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1981

Time: 5:15 P.M.

Act No. 81-272

H.J.R. 236—Reps. Turner, Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.

WHEREAS, the Legislature of Alabama, in pleased concurrence, notes the recent selection of Miss Leah Summersell as Citronelle's 1981 Oil Queen, crowned on April 4, 1981, during the 22nd Annual Oil Queen Pageant held in Alabama's "Black Gold City"; and

WHEREAS, Leah, who is the lovely 16-year-old daughter of Mr. and Mrs. M. E. Summersell of Smithtown in Mobile County, is a student at Citronelle High School where she is a member of F.B.L.A., serves as activities editor of the yearbook, was a member of the last Powder Puff football team, playing left guard, and has been a member of the casts of both the sophomore and junior plays; and

WHEREAS, a talented musician, Miss Summersell has participated in the Jazz Concert and Symphonic Bands for the past four years and holds first chair in the flute section; and

WHEREAS, she maintains a grade point average of 3.84 and this past quarter was a straight "A" student; she also recently won an essay contest and a trip to Philadelphia to attend a freedom and leadership conference; and

WHEREAS, Miss Summersell, who plans to attend the University of South Alabama, studying in the field of public relations, was her school's representative in the recent Azalea Trail Festival in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Leah Summersell as Citronelle's 1981 Oil Queen and also for her many other outstanding accomplishments.

BE IT FURTHER RESOLVED, That Miss Summersell be presented with a copy of this resolution in token of our admiration and sincere regard.

Approved April 16, 1981

Time: 8:30 A.M.

Act No. 81-273

H. 115—Rep. Pegues

AN ACT

To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

CONSTITUTIONAL AMENDMENT

Section 110 of the Constitution of Alabama of 1901 is amended to read as follows:

"Section 110. A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law, provided that the legislature may also enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies

with the provisions of this section shall be considered a general law.

“No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in Section 106 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law.

“A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Act No. 79-263 (House Bill No. 68) entitled AN ACT To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census' approved June 28, 1979, and each and every Act of the Legislature thereafter enacted referred or relating to a class of municipalities as established in said Act Number 79-263 are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment, any provision or provisions of the Constitution of Alabama, as amended, to the contrary notwithstanding.”

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county for four successive weeks next preceding the day appointed for the election.

CONSTITUTIONAL AMENDMENT

Passed the House as Amended March 17, 1981

Passed the Senate April 16, 1981

Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following Amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

In the City of Alabaster in Shelby County, in addition to any and all other taxes heretofore levied, the municipal governing body is authorized to levy an additional ad valorem tax on personal and real property in an amount not to exceed 10 mills on each dollar of taxable property. Said tax shall be designated for the city general fund. Such additional tax shall be retroactive to the tax due as of October 1, 1973, and each year thereafter. The additional ad valorem tax imposed by this Act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

No vote by the electorate shall be necessary after the passage of this amendment to implement its provisions.

Section 2. An election upon the proposed amendment is ordered to be held at the next general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 26, 1981

Passed the Senate April 16, 1981

HOUSE JOINT RESOLUTION

HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

WHEREAS, Dr. Garner M. Clark is a native of Tuscaloosa, Alabama, who, for more than 30 years, has distinguished himself in religious and civic service to the citizens of Alabama; and

WHEREAS, Dr. Clark is a veteran of World War II who served under General George Patton and was awarded the Bronze Star and Presidential Citation; he is a graduate of New Orleans Theological Seminary and of Midwestern Bible College, where he obtained the degree of Doctor of Divinity, and he also studied additionally, on the graduate level, at both Howard College and the University of Alabama; and

WHEREAS, during his pastoral career, Dr. Clark has faithfully served Friendship Baptist Church of Tallassee, the Prattmont Baptist Church and Prattville's Crestview Baptist Church which he organized in 1957 and has pastored for the past 24 years; and

WHEREAS, each church under his guidance grew in membership, as did church facilities, and such growth continues at Crestview which now has some 2,000 members, assets of over \$700,000 and is the mother church for Camelia Baptist which was organized by Dr. Clark in 1975; and

WHEREAS, Dr. Clark also assumed numerous civic responsibilities while in Tallassee, including the organization of that city's first Civil Defense program, and was a member of the Royal Arch Masons, Chaplain of the American Legion, Director of the Red Cross and Scoutmaster at Friendship Community; and

WHEREAS, while in Prattville, he has served, since 1955, on the Autauga County Baptist Executive Board, has been president of the Ministerial Association and is a charter member and Chaplain of the Civitan Club; he currently serves as Moderator of the Autauga Missionary Baptist Association and on the Alabama State Executive Board as well; and

WHEREAS, Dr. Clark is listed in "Who's Who in Religion in America," "Who's Who in Alabama" and in the "Library of Alabama Lives"; he is a member of numerous conservative and patriotic organizations and has been an advisor and friend to political leaders and officials at all levels of government and currently serves on the National Advisory Board of the American Security Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Garner M. Clark as a faithful servant of God, as one of our state's most prominent civic leaders and as a great and loyal American.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Clark on "Garner Clark Day" in Prattville, Alabama, as we join in tributes paid to him by his fellow citizens, parishioners and many, many friends.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-276

H.J.R. 234—Rep. Albright

HOUSE JOINT RESOLUTION

COMMENDING MR. THOMAS WHEELER CARTEE.

WHEREAS, Mr. Thomas Wheeler Cartee who is employed with South Central Bell is also a friend and associate of many members of the Legislature; and

WHEREAS, held in high regard by all those with whom he has worked, Tommy Cartee also is much admired by those who are aware of his courage and determination in the face of adversity for the past two and one-half years; and

WHEREAS, stricken by a heart attack at the age of just 28, Tommy Cartee underwent by-pass surgery in January 1979, and then, in August of 1979, was accepted as a heart transplant patient by the Medical College of Virginia in Richmond; and

WHEREAS, following this rare and successful surgery, Mr. Cartee has of course faced anticipated set-backs and threats of rejection but he has time and again, in great spirit of will, fought back to regain his health; and

WHEREAS, Tommy Cartee, who is a member of the Baptist Church, has been sustained by his deep faith and through the loving support of his wife, Debbie, and their two children, of his other family members as well as all of us who know and wish him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all good wishes to Mr. Thomas Wheeler Cartee and express our deep

admiration for a friend we hold in warm regard.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Cartee that he and his family may know of our sincere praise, admiration and esteem.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-277

H.J.R. 237—Rep. Patton

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING DECATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

WHEREAS, once again, in record numbers, donors turned up at the Austin High School Gymnasium in Decatur, Alabama, to help the Student Council retain its national title for a 12-hour blood drive; and

WHEREAS, Austin High School's drive has been the largest high school drive in the nation for a number of years and, this year, 1,883 usable pints of blood were donated with some 600 to 700 student volunteers and 150 adult volunteers on hand to help with the drive; and

WHEREAS, since the blood drives began at Austin High almost 15 years ago, organized by the student council and a faculty advisor, collections have steadily increased from a first-year 446 units to this year's record eighteen hundred plus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the student council, faculty and student body of Austin High School as National High School Blood Donor Champions; we further commend all those involved for their dedicated assistance to the Red Cross Blood Program in the Northeast District of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to student chairman Mike Wade, Carla Jenkins and Carla Reardon on behalf of the Student Council of Austin High.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-278

H.J.R. 238—Rep. Adams (H)

HOUSE JOINT RESOLUTION

COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the recent induction of Mr. Arthur Pershing "Tarzan" White into the Alabama Sports Hall of Fame; and

WHEREAS, a former All American who played for the University of Alabama in the Rose Bowl, Tarzan White also played professionally with the New York Giants and the St. Louis Cardinals; and

WHEREAS, Tarzan White, an outstanding athlete, was also a professional wrestler and a three-time World Champion; and

WHEREAS, though a native of Atmore, Alabama, Mr. White now lives in Jamestown, in Cherokee County, where he taught school for several years and, for sixteen years, was a mail carrier on a Jamestown and Gaylesville route; and

WHEREAS, Mr. White, who is a United States Air Force Veteran of World War II, has enjoyed an enviable sports career during which he has played and performed all over the United States and many other countries including Australia; as a wrestler, he was an attraction on TV for a number of years and as a football player he participated in the first ever Pro-Bowl; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cherokee County's Tarzan White and congratulate him on his recent selection to the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. White that he and his wife, Mrs. Sara Carter White, their two sons and other family members may know of our sincere praise and warm regard.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-279

H. 51—Rep. Ford

AN ACT

Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Etowah County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty-five dollars (\$35.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-280

H. 686—Reps. Smith (J), Carter

AN ACT

To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The lawfully appointed investigators of the district attorney for the Thirty-ninth Judicial Circuit shall have the same arrest authority and powers vested in deputy sheriffs of Limestone County while such investigators are performing authorized duties within Limestone County. Provided, however, that the sheriff of Limestone County, upon three days notice to the district attorney of said Circuit, may suspend such powers for any reason and for any period of time he deems appropriate.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-281

H. 820—Rep. Dial

AN ACT

To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, a special recording fee of \$1.50 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$1.50 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-282

H. 827—Reps. Cates, Wyatt

AN ACT

Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each election official of the county an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal to twenty-five (\$25.00) per day, and the returning officer, in addition thereto, \$0.10 a mile going to the Courthouse and returning to the place of holding the election. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the election officials actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-283

H. 828—Reps. Cates, Wyatt

AN ACT

Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the jury commission of the county an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal to twenty-five dollars (\$25.00) per day. If the amount paid to such members as com-

pensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members of the jury commission actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective retroactively to February 1, 1981, immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-284

H. 829—Rep. Dial

AN ACT

Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or quasi-civil proceeding at law or in equity, whether such proceeding is in any inferior court, municipal court, district court or circuit court and whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Clay County, designated for the "Sheriff's Department Fund."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court

costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-285

H. 830—Rep. Dial

AN ACT

Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 upon conviction in any criminal proceeding arising out of the commission of a misdemeanor or felony. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Clay County designated for the Sheriff Department Fund.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-286

H. 831—Rep. Dial

AN ACT

Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$15.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity. Said costs shall be collected in the same manner as other court costs in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Clay County, designated for the "Sheriff's Department Fund."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 287

H. 832—Rep. Dial

AN ACT

Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clay County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 in any criminal proceeding arising out of the violation of drug and controlled substances, whether felonious or misdemeanor, and, in any court located in the county, whether inferior court, municipal court, district court or circuit court and whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Clay County into the "Sheriff's Department Fund."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 16, 1981

Time: 2:00 P.M.

Act No. 81-288

H. 753—Reps. Shavers, Hall

AN ACT

Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission of Jackson County shall receive a compensation of \$20.00 per day for up to a maximum of 60 days. Said compensation shall be the total compensation, salary and expense allowance received by the jury commission.

Section 2. The clerk of the Jackson County jury commission shall receive a compensation of \$20.00 per day for up to a maximum of 75 days. Said compensation shall be the total compensation, salary and expense allowance received by the clerk of the jury commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on October 1, 1981.

Approved April 20, 1981

Time: 10:00 A.M.

Act No. 81-289

S. 112—Messrs. McDonald, Smith and
Lemaster

AN ACT

To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-10-20 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-20. When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

“(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

“(3) **BONDS.** The bonds issued under the provisions of this article.

“(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general acts of local application, if such authority governs an airport operated by

a county and at least one municipality therein jointly, to which a grant of money is made as provided in section 41-10-26.

“(5) **INDUSTRIAL SITES.** Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“(6) **NOMINAL TRANSFEREE.** Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“(7) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

“(8) **PREPARATION OF INDUSTRIAL SITES.** The grading and draining of industrial sites and the means of access thereto.

“(9) **STATE.** The state of Alabama.”

Section 2. Section 41-10-26 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-26.

“The authority shall have the following powers:

“(1) To have succession by its corporate name until dissolved as provided in this article;

“(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

“(3) To have and to use a corporate seal and to alter the seal at pleasure;

“(4) To establish a fiscal year;

“(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

“(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

“(7) To make surveys to determine suitable locations in the state for prospective industries;

“(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational level;

“(9) To assist counties, municipalities local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local law, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, in the survey and analysis of their industrial resources and needs;

“(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local law, or general acts of local application if such authority governs an airport operated by a county and at least one municipality therein jointly, for the purposes and subject to the terms and conditions set forth in section 41-10-27; and

“(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1981

Time: 10:00 A.M.

Act No. 81-290

S. 29—Mr. Little

AN ACT

To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-15-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-15-4.

“(a) Every owner, manager or operator of a hotel shall maintain the physical and sanitary condition of the structure, its equipment, water supply and human waste disposal and shall conduct the operations thereof in such manner as to render services and accommodations to travelers in compliance with rules and regulations governing hotels and hotel operation adopted by the state board of health.

“(b) Every owner, manager, or operator of a hotel shall install and maintain in operating condition a battery or electrically operated smoke detector device in each hotel guest sleeping room. The detectors shall have received an approval from a nationally recognized testing organization.

“(c) Hotel owners or operators shall be required to test each smoke detector device at least once each quarter of each calendar year to determine if each detector is in working order.

“(d) Any person who is convicted, in a court of proper jurisdiction, of tampering with or removing a smoke detector from a hotel room shall be guilty of a Class C misdemeanor as defined by Title 13A of the Code of Alabama 1975.”

Section 2. Hotel owners or operators who are found to be in non-compliance with Section 35-15-4, Code of Alabama 1975, as amended by this Act, shall be guilty upon conviction of a Class C misdemeanor as defined by Title 13A of the Code of Alabama 1975.

Section 3. The provisions of this Act will become effective 180 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1981

Time: 5:00 P.M.

Act No. 81-291

S. 204—Messrs. Holmes, Proctor and
Teague

AN ACT

To provide that law enforcement officers employed by the Department of Conser-

vation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, and pistol.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who, at the time of his retirement, is employed by the Department of Conservation and Natural Resources or the Alcoholic Beverage Control Board as a law enforcement officer or investigator shall receive, as part of his retirement benefits, without cost to him, his badge, and pistol.

Section 2. This act shall become effective retroactive to October 1, 1978 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1981

Time: 5:00 P.M.

Act No. 81-292

S. 310—Mr. Parsons

AN ACT

To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Be It Enacted by the Legislature of Alabama:

Section 1. (1) The Commissioner of the Department of Insurance shall prescribe a standard health insurance claim form to be used by all hospitals. Such forms shall be prescribed in a format which allows for the use of generally accepted diagnosis and treatment coding systems by providers of health care and payors. Such standard form shall be accepted and used by all insurers doing business in the State of Alabama and by all state agencies which pay providers of health care for hospital services.

(2) The Commissioner of the Department of Insurance shall also prescribe a format for all health insurance claims transmitted or submitted for payment by electronic or electro-mechanical means. Such a format shall be used by all insurers doing business in the State of Alabama and by all state agencies which pay providers of health care for hospital services.

Section 2. An advisory committee of five persons, two appointed by the Alabama Hospital Association, two by the Health Insurance Association of America, and one by an Alabama non-profit

corporation which markets health insurance, shall advise the commissioner on an acceptable standard health insurance claim form and an electronic or electro-mechanical claims form no later than 60 days prior to the effective date of this Act. If changes in the forms need to be made at any future time, the Commissioner of the Department of Insurance shall inform the advisory committee and the committee will make recommendations as to the changes.

Section 3. All insurers doing business in Alabama and all state agencies shall accept for services from physicians licensed to practice medicine the Uniform Health Insurance Claim Form approved by the Council on Medical Service of the American Medical Association. Nothing in this section shall be construed to prohibit an insurer or state agency from accepting any other health insurance claim form for services provided by a physician licensed to practice medicine.

Section 4. This Act shall take effect January 1, 1982.

Approved April 20, 1981

Time: 5:00 P.M.

Act No. 81-293

S.J.R. 119—Mr. Smith

SENATE JOINT RESOLUTION

CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

WHEREAS, under Head Coach A. L. "Kayo" Willis, now in his 8th year at the University of Alabama in Huntsville, the Chargers had their best basketball season ever, with a 30-7 win-loss record; advancing to the finals in the National Association of Inter-collegiate Athletes Tournament, they lost the title match by just one point in overtime; and

WHEREAS, it was the Chargers' third trip in eight years to the NAIA Tournament in Kansas City and they also captured the District 27 Championship for the third time and won the Southern States Conference Championship as well; and

WHEREAS, credit for outstanding accomplishments goes to team members James Mundie, Ben Mitchell, Ricky Knight, James Dumes, Kent Looney, Jeff Fitch, John Hannah, Harvey Craig, Chris Orr and Michael Rawls; all performed brilliantly on the court to contribute to UAH's spectacular season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Kayo Willis and his UAH Chargers, finalists in the prestigious NAIA Basketball Tournament.

BE IT FURTHER RESOLVED, That Coach Willis receive a copy of this resolution on behalf of his staff and team, with a copy also provided for appropriate school display.

Approved April 20, 1981

Time: 5:00 P.M.

Act No. 81-294

S.J.R. 121—Mr. Callahan

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee be established, consisting of seven (7) members of the Senate and seven (7) members of the House appointed by the Presiding Officer in each House, to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama; and to report back to the Legislature its findings no later than May 5, 1981.

BE IT FURTHER RESOLVED, That this interim committee

meet with the leaders of state agencies responsible for mental health, prisons, education, spokesmen of these fields and representatives of banks and all other financial institutions to determine the best possible method of investing and expending these funds.

BE IT FURTHER RESOLVED, That due to the brief time available for this committee that the public be notified in advance of any meeting of this committee and contact committee members if they wish to appear and express their views.

This Act became a law under Section 125 of the Constitution on April 24, 1981 without approval by the Governor.

Act No. 81-295

H. 356—Rep. Kelley

AN ACT

Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Twenty-seventh Judicial Circuit shall receive, in addition to any other compensation and in addition to any county supplement provided by law, an annual expense and automobile allowance of \$300.00 per month to be paid from the District Attorney's Fund of the Twenty-seventh Judicial Circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-296

H. 426—Rep. Willis

AN ACT

To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Be It Enacted by the Legislature of Alabama:

Section 1. § 33-5-17, Code of Alabama 1975, shall be and hereby is amended to read as follows: “§ 33-5-17. Classification and fees. — Vessels subject to the provisions of this chapter shall be classified according to the following schedule and annual fees charged by the Department of Conservation and Natural Resources for registration shall be in the following amounts:

- Class 1. Less than sixteen (16) feet in length, \$6.00 plus \$.50 issuance fee.
- Class 2. Sixteen (16) feet or over and less than twenty-six (26) feet in length, \$10.00 plus \$.50 issuance fee.
- Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length, \$20.00 plus \$.50 issuance fee.
- Class 4. Forty (40) feet or over in length, \$40.00 plus \$.50 issuance fee.
- Class 5. Dealer or Manufacturer; temporary license, \$25.00 plus \$.50 issuance fee for the first license purchased, and \$3.00 plus \$.50 issuance fee for each additional license.

LIVERY:

- Class 1. \$4.00 plus \$.50 issuance fee.
- Class 2. \$6.00 plus \$.50 issuance fee.
- Class 3. \$8.00 plus \$.50 issuance fee.”

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective October 1, 1981.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-297

H. 649—Rep. Johnson (R.G.)

AN ACT

Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, “An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census: fixing the fees for issuance

of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Coosa County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person, as provided in Section 13-6-155 of the Code of Alabama, 1975, shall be ten dollars (\$10.00), which shall be collected by the sheriff. One dollar (\$1.00) of each fee collected under this section shall be paid into the county treasury and the remaining nine dollars (\$9.00) of each fee shall be deposited by the sheriff into any bank in the county, into a fund known as the Sheriff's Pistol Permit Fund, and shall be drawn upon by the sheriff, or his appointed agent, and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as determined in the discretion of the sheriff.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204) is hereby specifically repealed, and all laws or parts of laws which are in conflict with the provisions of this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 9:55 A.M.

Act. No. 81-298

H. 648—Rep. Johnson (R.G.)

AN ACT

Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

WHEREAS, the office of the sheriff is a vital part of our court system; and

WHEREAS, from ancient times the office of sheriff has historically been held to be of important judicial function; and

WHEREAS, in his judicial function the sheriff's principal duties are in and of the criminal courts and civil courts of record, and he is charged with serving processes, summoning juries and witnesses, executing judgments of the court, holding judicial sales, and is conservator of peace within his jurisdiction; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The legislature finds that the office of sheriff is an integral part of the court system of this state and Coosa County. It further notes that our judicial process could not operate without the assistance of the sheriff's department which serves summons and other processes.

Section 2. In Coosa County, in addition to all other fees, there shall be taxed as costs the sum of \$5.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in the circuit court of Coosa County, or the district court of Coosa County, hereinafter filed in or arising in the circuit court of Coosa County, or the district court of Coosa County, or brought by appeal, certiorari or otherwise to the circuit court of Coosa County, or the district court of Coosa County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Coosa County, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the county fund to be used by the sheriff's department for salaries, equipment and other expenses of the department.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-299

H. 650—Rep. Johnson (R.G.)

AN ACT

To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Coosa County shall pay deputy sheriffs at the following monthly rate:

	Start	After 1 year	After 2 years	After 3 years	After 4 years
Chief Deputy	\$975.00	\$1,013.00	\$1,050.00	\$1,088.00	\$1,125.00
Sergeant	\$930.00	\$ 968.00	\$1,005.00	\$1,042.00	\$1,080.00
Deputy	\$900.00	\$ 938.00	\$ 975.00	\$1,012.00	\$1,050.00
Investigator	\$900.00	\$ 938.00	\$ 975.00	\$1,012.00	\$1,050.00

Section 2. The salaries provided for in Section 1 will be base salaries. After four years deputies will be entitled to receive a cost-of-living expense raise as determined by the county commission for other employees.

Section 3. The county commission will provide uniforms (trousers, shirts, jacket, hat, emblems and badges) when the deputy is hired. A clothing allowance of \$300.00 per year will be provided after the first year. The investigator will be entitled to receive \$300.00 when hired in lieu of uniforms.

Section 4. The county commission will determine the number of deputies and law enforcement personnel to be employed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-300

H. 721—Reps. Brakefield, Bowling

AN ACT

Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. In Winston County, the board of registrars is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Winston County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to re-identify himself, in the manner prescribed herein, before the first day of January, 1982. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1982, the board of registrars of Winston County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until four o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and re-identify themselves. The board shall give at least ten days notice by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and re-identify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and re-identify themselves in the manner prescribed herein. No voter shall appear and re-identify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to

receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may re-identify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1982 for the purpose of purging the registration lists and the names of all persons who have failed to appear and re-identify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any persons, or the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Winston County, Alabama during the period of time from the effective date thereof to January 1, 1982.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and re-identify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have re-identified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be outside of Winston County, Alabama, during the period of time from the effective date hereof to January 1, 1982.

Section 8. The county commission of Winston County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided.

Section 9. The questionnaire to re-identify a voter shall be in substantially the following form:

VOTERS RE-IDENTIFICATION QUESTIONNAIRE

Winston County, Alabama

Date _____, 19____

First	Middle	Last
Legal Residence Address _____		
Street		

City or Town _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county, I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____

Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19____,

Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-301

H.J.R. 194—Reps. Venable, Johnson (R.G.)

HOUSE JOINT RESOLUTION

DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

WHEREAS, significant in our state's history, as a pioneer venture in highway construction, were a number of toll roads chartered by the Alabama Legislature during the 1849-50 Session; and

WHEREAS, one such historic road was originally projected to run from Montgomery to Guntersville and thus continue connection between the waters of Mobile Bay and the Coosa and Tennessee Rivers; and

WHEREAS, though never brought to completion, some sixty miles of roadway were constructed of planks, piles and corduroy logs, and came to be known as "Central Plank Road"; portions of this historic road were found during construction of Alabama's present Highway 9; and

WHEREAS, the "plank" method was soon abandoned, however, when it became evident that the cost of construction, maintenance and upkeep far exceeded income derived from tolls charged by the roads' private builders and promoters; and

WHEREAS, though the last vestige of Alabama's plank roads has long since disappeared, it is fitting that we acknowledge, through appropriate designation, this historical phase in our state's road-building history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name

and designate that portion of Alabama Highway 9, from its junction with U.S. 231 at Wetumpka in Elmore County to its junction with U.S. 280 at Socapatoy in Coosa County, as the "Old Central Plank Road."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said portion of highway as the "Old Central Plank Road."

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-302

H.J.R. 243— Reps. Smith(J), Adams(C),
 Adams(H), Albright, Amari,
 Barton, Bedsole, Bennett, Biddle,
 Blake, Boles, Bowling, Brakefield,
 Buskey, Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark(G), Clark(W),
 Cobb, Coburn, Cooley, Cosby,
 Crow, Daniels, Dial, Dixon,
 Drinkard, Edwards, Escott, Ford,
 Gafford, Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby, Hall,
 Hammett, Harper (O), Harper (T),
 Harrison, Harvey, Hines, Holley,
 Holmes, Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird, Langford,
 Letson, Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Minus, Mitchell, Moore,
 Naramore, Nevett, Olive, Owens,
 Parker, Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (M), Starkey,
 Stewart, Stout, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

WHEREAS, in historical love of heroes and time-honored spirit of "America first," the American people now have both, in full measure, in the successful launch, flight and safe return of the space shuttle, Columbia, and in its courageous crew of two, John Young and Robert Crippen; and

WHEREAS, idle in space exploration since 1975, the United States has once again proved to its people and to the world that American technology is second to none; the flight of the Columbia has truly opened up a new world of unlimited possibility for space exploration and for future benefits to all mankind; and

WHEREAS, in maiden flight aboard the world's first reflyable spaceship, Astronauts John Young and Robert Crippen have rekindled the patriotism and national pride of a people who first placed men on the moon; and

WHEREAS, no less to be commended and honored are the dedicated men and women of the National Aeronautics and Space Administration who, in unity of purpose and devoted solidarity, made possible the flight of the Columbia which is historic in impact, spectacular in its success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Astronauts John Young and Robert Crippen, offering grateful appreciation also to the National Aeronautics and Space Administration for America's new triumph in space.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Astronauts Crippen and Young, and to the officials of NASA, in grateful acknowledgement of their great and glorious achievement.

Approved April 22, 1981

Time: 9:55 A.M.

Brakefield, Buskey, Carothers,
 Cates, Cheatwood, Clark (G),
 Clark (W), Cooley, Cosby, Crow,
 Dixon, Drinkard, Edwards,
 Escott, Gilmer, Goodwin, Greer,
 Grimsley, Grouby, Hall, Hammett,
 Harper (O), Harper (T),
 Harvey, Holley, Horn, Howard,
 Johnson (R.G.), Johnson (Roy),
 Kennedy, Laird, Lewis, McKee,
 McMillan, Minus, Mitchell,
 Moore, Olive, Parker, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Seibels, Shavers,
 Shoemaker, Smith (M), Stewart,
 Stout, Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Wyatt

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FORMER WORLD HEAVY- WEIGHT CHAMPION, JOE LOUIS.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of a native son, Joseph Louis Barrow on April 12, 1981, at the age of 66; and

WHEREAS, known to the world and now to history as Joe Louis, Joseph Louis Barrow was born in Chambers County, Alabama, on May 13, 1914, the eighth child of Munn and Lillie Barrow; and

WHEREAS, from rural Alabama, to the ghettos of Detroit at the age of six, Joe Louis went on to become the world's most famous boxer — a champion in 1937 at the age of 23 who successfully defended his title 25 times to remain at the top for some twelve years; and

WHEREAS, in 71 professional bouts, Joe Louis was defeated only three times, once in 1936 by Max Schmeling of Germany and twice following his retirement as World Champion in come-back matches against much younger opponents Ezzard Charles and Rocky Marciano; and

WHEREAS, in 1938, Joe Louis avenged his loss two years previously to Schmeling in a one-round knockout of Hitler's so-called shining example of Aryan supremacy; and

WHEREAS, it is widely believed that never again will there be a sports hero to equal Joe Louis, whose affectionate nickname, the

“Brown Bomber” has become synonymous with “champion”; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are truly grievously saddened by the death of Joe Louis and extend our most heartfelt sympathy to his wife, Mrs. Martha Louis, and other family members to whom copies of this resolution shall be sent evidencing our shared grief in the loss of a great and beloved American.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-304

H.J.R. 244—Reps. Greer, Goodwin, Coburn, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelly, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. BESSIE PEARL STARKEY OF FLORENCE, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Bessie Pearl Starkey of Florence, Alabama, on April 13, 1981, at the age of 88; and

WHEREAS, Mrs. Starkey, who was the mother of our good friend, Representative Nelson Starkey, was a native of Lauderdale County and a longtime resident of Florence where she was a faithful member of the Wood Avenue Church of Christ; and

WHEREAS, a beloved member of her community, Mrs. Starkey was a devoted wife and mother who was deeply loved and now sadly missed by all her family and many, many friends; and

WHEREAS, Mrs. Starkey also will be long remembered with love and affection as the former operator, for more than fifty years, of Starkey's Resident Hotel and Restaurant in Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Bessie Pearl Starkey of Florence, Alabama, and extend our sincere and deepest sympathy to all her family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for her husband, Mr. Nelson R. Starkey, Sr., for our good friend, Nelson Starkey, Jr., for her daughters, Mrs. Vernon Hargett and Mrs. Mary Elizabeth Nicholson, and other family members that they may know of our care and concern for them in their great and grievous loss.

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-305

H.J.R. 247— Reps. Amari, Bennett, Adams (H),
Bowling, Brakefield, Carter,
Cheatwood, Clark (W), Cooley,
Crow, Dixon, Drinkard, Ford,
Gilmer, Goodwin, Greer, Grimsley,
Grouby, Harper (O), Harvey,
Holley, Howard, Laird, Langford,
Letson, Lewis, McKee, McMillan,
Minus, Naramore, Olive, Parker,

Penry, Rains, Roberts, Seibels,
Shaver, Smith (C), Stout, Turner,
Waggoner, Warren, Willis, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE.

WHEREAS, the Legislature of the State of Alabama recognizes that the efficient operation of state government is dependent on career state employees; and

WHEREAS, state employees, notwithstanding the most adverse of circumstances such as hiring freezes, decreased promotions, along with other economic difficulties, have continued to perform their duties in an exemplary manner, exercising great restraint in publicly expressing their grievances, choosing rather to responsibly contact their elected public officials; and

WHEREAS, the Legislature is appreciative of the cooperation and support of state employees and welcomes their continued input in our joint efforts to provide the best services possible for the people of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state employees be encouraged to continue to relate to their elected public officials their feelings, sentiments, and opinions as to the operation of state government.

BE IT FURTHER RESOLVED, That state employees are hereby commended for their dedication to public service for the betterment of Alabama.

BE IT FINALLY RESOLVED, That the Legislature designate May 18, 1981, as "State Employees Appreciation Day."

Approved April 22, 1981

Time: 9:55 A.M.

Act No. 81-306

H.J.R. 252—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

WHEREAS, in its desire to recognize Alabamians of achievement, the Legislature today notes the extraordinary service of Mr. Henry Legrone of Silverhill, Alabama, as a registered and active Scouter since 1964; and

WHEREAS, Mr. Legrone, in dedicated and enthusiastic commitment, first served as a committeeman for Troop 42, later to become Assistant Scoutmaster, a position he continues to hold; and

WHEREAS, he has been awarded the District Award of Merit, the highest award a volunteer can receive at district level; and

WHEREAS, in 1970, Mr. Legrone, as an Assistant Scoutmaster, travelled to the National Camp Grounds at Philmont and, in 1976, accompanied 25 Boy Scouts on a one week trip to Washington, D.C.; and

WHEREAS, in further dedication to Alabama youth, Mr. Legrone has been a Little League baseball coach for a number of years; he also is a longtime member of his community's Volunteer Fire Department, and is a member of the First Baptist Church of Silverhill which he has served for the past four years on the Board of Trustees; and

WHEREAS, on February 12, 1981, in recognition of service, Mr. Henry Legrone was presented with the coveted Silver Beaver Award by the Mobile Area Council of Boy Scouts of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Henry Legrone of Silverhill, Baldwin County, Alabama, for outstanding service in Scouting and for his responsible involvement in community affairs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Legrone that he may know of our sincere praise and high regard.

Approved April 22, 1981

Time: 9:55 A.M.

HOUSE JOINT RESOLUTION

CREATING A CONTINUING SELECT JOINT NUCLEAR
ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC

WASTE OVERSIGHT COMMITTEE.

WHEREAS, there are four nuclear reactors operating in the state at present; two nuclear reactors are scheduled to begin commercial operation in 1981; one nuclear reactor is scheduled to begin commercial operation in 1982; and two nuclear reactors located on the Alabama/Mississippi line are scheduled to begin commercial operation in 1985 and 1986; and

WHEREAS, a nuclear fuel fabricating plant which will make Uranium pellets for fuel from Uranium Hexafluoride is scheduled to begin commercial operation in 1983 in Prattville; and

WHEREAS, pursuant to legislation passed by the Congress requiring each state to take responsibility for disposing of its low-level radioactive waste, Alabama has joined eight other Southeastern states in a tentative agreement to form a compact to handle disposal of low-level radioactive waste; and

WHEREAS, the largest Nuclear Medicine facility in the United States is located at the University of Alabama Hospital in Birmingham; and

WHEREAS, there are many problems which were brought to the attention of the Committee during the last interim concerning hazardous chemical toxic waste; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee.

BE IT FURTHER RESOLVED, That said Committee is to be composed eleven (11) members: Chairman of the House Health Committee and Chairman of the Senate Health and Welfare Committee; five (5) members of the House Health Committee appointed by the Chairman and four (4) members of the Senate Health and Welfare Committee appointed by the Chairman. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall oversee all facets of nuclear energy activities and hazardous waste with particular emphasis focused on low-level radioactive waste and hazardous chemical toxic waste disposal.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session and each regular session thereafter.

Each member of the committee shall be entitled to his/her regular legislative compensation, his/her per diem and travel expenses for each day he/she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses when travelling upon the business of the committee and the total expenses of the committee shall not exceed seven thousand dollars (\$7,000.00) per year.

Approved April 22, 1981

Time: 9:55 A.M.

Act. No. 81-308

H.J.R. 255—Rep. Carothers

HOUSE JOINT RESOLUTION

APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, funding will be needed to continue the duties and functions of the continuing select joint committee to study the rising cost to the state of the medicaid programs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby appropriated out of funds appropriated to the use of the legislature, \$7,000.00 to the continuing select joint committee to study the rising cost to the state of the medicaid programs established by Act. No. 79-816 of the 1979 Regular Session of the Legislature.

Approved April, 1981

Time: 9:55 A.M.

Act No. 81-309

H. 783—Rep. Turner

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Washington County may become indebted and may issue bonds for the construction or improvement of public roads and bridges in said county in an amount not to exceed the debt limits prescribed for counties by this Constitution. To pay said indebtedness and interest thereon, Washington County may impose and collect an annual road paving fee on all motor vehicle licenses issued in the county. The indebtedness, the bonds and the fee authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional fee shall be levied, until each improvement or construction proposed to be built thereby and its approximate location shall have been determined upon and made public by the Washington County Commission, and the proposed increase of indebtedness or issue of bonds or fee therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Washington County voting upon such proposition. Any local, special or general legislation enacted by the legislature to augment or implement the provisions of this amendment need not be advertised as provided in Section 106 or any other provision of this Constitution.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election or any special election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House April 2, 1981

Passed the Senate as amended April 21, 1981

House concurred in Senate Amendment April 22, 1981

Act No. 81-310

H. 331—Reps. Grouby, McKee, Turner, Edwards, Gafford, Parker, Carothers, Williams, Warren, Venable, Willis, Blake, Naramore, Moore, Carter, Harper (T), Ray, Shavers, Goodwin, Harper (O), Laird, Grimsley, Hall, Rains, Smith (J), Johnson (R.G.), Stewart, Gregg, Cosby

AN ACT

To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-7-3, Code of Alabama 1975, is hereby amended to read as follows:

“Sec. 38-7-3.

“No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this chapter, without being licensed or approved as provided in this chapter; provided, however, that nothing in this section or in this chapter prohibits an employee of the department from carrying out the duties of the department as provided in this title. Provided, further, the provisions of this chapter shall not apply to preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school’s documents, whether operated separately or as a part of a religious nonprofit elementary school unit, secondary school unit or institution of higher learning under the governing board or authority of said local church or its convention, association, or regional body to which it may be subject; provided that notice is filed by the governing board or authority of the church or school with the department that said church or school meets the definition of a local church ministry or a religious nonprofit elementary school under terms of this Act and are exempt from regulation by the department and a notice of intent to operate said programs is given to the appropriate fire and health departments so that said facilities shall be inspected in accordance

with the state and local fire and health requirements for such programs. In addition, all exempt churches hereunder shall publish annually, on church letterhead, a notice to the department certifying that the following records are being maintained by the church: fire and health inspection reports; immunization verifications for all children; medical history forms for all staff and children and that the following information shall be available to parents or guardian prior to enrolling their children in said church ministry; staff qualifications; pupil-staff ratio; discipline policies; type of curriculum used in the learning program; the religious teachings to be given each child; and the type of lunch program available; provided further that prior to enrolling and annually thereafter parents or guardian and a responsible individual representing the governing board as authority of the church or school be required to sign and file with the department the affidavits provided by this Act that the parents or guardian have been notified by said responsible individual that the church or school has filed notice and is exempt from regulation by the department. The district attorney of the county in which the preschool program is located shall, upon proper presentment of charges, investigate at his discretion any allegations against any such church under the laws of the State of Alabama."

Section 2. FORM OF AFFIDAVIT (for parent/guardian)

STATE OF ALABAMA }
COUNTY OF }

Before me, a Notary Public in and for said State and County, appeared_____ and is known to me, after being duly sworn or affirmed, says as follows:

That affiant is the parent or legal guardian of the minor child/children_____; that affiant has been notified by_____, a representative of_____ Church/School, that said church or school has filed notice and is exempt under law from regulation by The Department of Pensions and Security.

_____. Parent/Legal Guardian
Sworn, or affirmed to and subscribed before me this_____ day
of_____, 19____.

FORM OF AFFIDAVIT (for Church/School)

STATE OF ALABAMA }
COUNTY OF }

Before me, a Notary Public in and for said State and County, appeared_____ and is known to me, after being duly sworn or affirmed says as follows:

That affiant is the designated representative of_____ Church/School and that the below listed parents/guardians have

been notified prior to enrollment/re-enrollment that _____
 Church/School has filed notice with and is exempt under law from
 regulation by The Department of Pensions and Security: _____
 _____.

_____ Representative
 Sworn or affirmed to and subscribed before me this _____ day
 of _____, 19____.

_____ Notary Public

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 3:25 P.M.

Act No. 81-311

H. 840—Rep. Sandusky

AN ACT

To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123), entitled "Relating to all counties having populations of not less than three hundred thousand nor more than six hundred thousand according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed raced tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act for other purposes relative thereto, and to provide for a referendum of the voters of the County and the question of whether the Act will become effective in the County," is hereby amended to read as follows:

"Section 8. Any person, association, or corporation desiring to operate a race track in the county shall hold and conduct one or more race meetings at such race track each year, provided, that no such license shall be granted to any person association or corporation, or to any track, in the aggregate, for a period of longer than 300 racing days in one year. Any and all applicants who are licensed to operate under this Act shall have been residents of the State of Alabama for at least five years immediately preceding the day on which such license is issued."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 22, 1981

Time: 4:05 P.M.

Act No. 81-312

H. 32—Rep. Smith (J)

AN ACT

To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflict-

ing security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Be It Enacted by the Legislature of Alabama:

Title 7 of the Code of Alabama 1975 is hereby amended as follows:

§ 7-1-105. Territorial application of the act; parties' power to choose applicable law.

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this title applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 7-2-402.

Applicability of the article on investment securities. Section 7-8-106.

Bulk transfers subject to the article on bulk transfers. Section 7-6-102.

Applicability of the article on investment securities. Section 7-8-106.

Perfection provisions of the article on secured transactions. Section 7-9-103.

§ 7-2-201. General Definitions.

Subject to additional definitions contained in the subsequent articles of this title which are applicable to specific articles or parts thereof, and unless the context otherwise requires, in this title:

(1) "Action" in the sense of a judicial proceeding includes civil action, counterclaim, cross-claim, third party complaint and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this title (sections 7-1-205 and 7-2-208). Whether an agreement has legal consequences is determined by the provisions of this title, if applicable; otherwise by the law of contracts (section 7-1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at well-head or mine shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this title and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this title to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when:

- (a) He has actual knowledge of it; or
- (b) He has received a notice or notification of it; or
- (c) From all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" of a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when:

- (a) It comes to his attention; or
- (b) It is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this act.

(30) "Person" includes an individual or an organization (see section 7-1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (section 7-2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under section 7-2-401 is not a "security interest," but a buyer may also acquire a "security interest" by complying with article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest," but a consignment is in any event subject to the provisions on consignment sales (section 7-2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (sections 7-3-303, 7-4-208 and 7-4-209) a person gives "value" for rights if he acquires them:

- (a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether

or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

- (b) As security for or in total or partial satisfaction of a pre-existing claim; or
- (c) By accepting delivery pursuant to a preexisting contract for purchase; or
- (d) Generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

§ 7-2-107. Goods to be severed from realty: recording.

(1) A contract for the sale of minerals or the like (including oil and gas) or a structure or its materials to be removed from realty is a contract for the sale of goods within this article if they are to be severed by the seller, but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) is a contract for the sale of goods within this article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

§ 7-5-116. Transfer and assignment.

(1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is non-transferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of an account under article 9 on secured

transactions and is governed by that article; except that:

- (a) The assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee, which delivery constitutes perfection of the security interest under article 9; and
- (b) The issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and
- (c) After what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPER.

§ 7-9-102. Policy and subject matter of article.

(1) Except as otherwise provided in section 7-9-104 on excluded transactions, this article applies:

(a) To any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper or accounts; and also

(b) To any sale of accounts or chattel paper.

(2) This article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This article does not apply to statutory liens except as provided in section 7-9-310.

(3) The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does

not apply.

§ 7-9-103. Perfection of security interests in multiple state transactions.

(1) Documents, instruments and ordinary goods.

(a) This subsection applies to documents and instruments and to goods other than those covered by a certificate of title described in subsection (2), mobile goods described in subsection (3), and minerals described in subsection (5).

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or non-perfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the perfection and the effect of perfection or non-perfection of the security interest from the time it attaches until thirty days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the thirty-day period.

(d) When collateral is brought into and kept in this state while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by part 3 of this article to perfect the security interest:

(i) If the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four months after the collateral is brought into this state, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal and before the action is taken;

(ii) If the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter;

(iii) For the purpose of priority over a buyer of consumer goods (subsection (2) of section 7-9-307), the period

of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

(2) Certificate of title.

(a) This subsection applies to goods covered by a certificate of title issued under a statute of this state or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or non-perfection of the security interest are governed by the law (including the conflict of laws rules) of the jurisdiction issuing the certificate until four months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in the next paragraph, a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into this state and thereafter covered by a certificate of title issued by this state is subject to the rules stated in paragraph (d) of subsection (1).

(d) If goods are brought into this state while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by this state and the certificate does not show that the goods are subject to the security interest or that they may be subject to security interests not shown on the certificate, the security interest is subordinate to the rights of a buyer of the goods who is not in the business of selling goods of that kind to the extent that he gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest.

(3) Accounts, general intangibles and mobile goods.

(a) This subsection applies to accounts (other than an account described in subsection (5) on minerals) and general intangibles and to goods which are mobile and which are of a type normally used in more than one jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, road building and construction machinery and commercial harvesting machinery and the like, if the goods are equipment or are inven-

tory leased or held for lease by the debtor to others, and are not covered by a certificate of title described in subsection (2).

(b) The law (including the conflict of laws rules) of the jurisdiction in which the debtor is located governs the perfection and the effect of perfection or non-perfection of the security interest.

(c) If, however, the debtor is located in a jurisdiction which is not a part of the United States, and which does not provide for perfection of the security interest by filing or recording in that jurisdiction, the law of the jurisdiction in the United States in which the debtor has its major executive office in the United States governs the perfection and the effect of perfection or non-perfection of the security interest through filing. In the alternative, if the debtor is located in a jurisdiction which is not a part of the United States or Canada and the collateral is accounts or general intangibles for money due or to become due, the security interest may be perfected by notification to the account debtor. As used in this paragraph, "United States" includes its territories and possessions and the Commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence. If, however, the debtor is a foreign air carrier under the Federal Aviation Act of 1958, as amended, it shall be deemed located at the designated office of the agent upon whom service of process may be made on behalf of the foreign air carrier.

(e) A security interest perfected under the law of the jurisdiction of the location of the debtor is perfected until the expiration of four months after a change of the debtor's location to another jurisdiction, or until perfection would have ceased by the law of the first jurisdiction, whichever period first expires. Unless perfected in the new jurisdiction before the end of that period, it becomes unperfected thereafter and is deemed to have been unperfected as against a person who became a purchaser after the change.

(4) Chattel paper.

The rules stated for goods in subsection (1) apply to a possessory security interest in chattel paper. The rules stated for accounts in subsection (3) apply to a non-possessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

(5) Minerals.

Perfection and the effect of perfection or non-perfection of a security interest which is created by a debtor who has an interest in minerals or the like (including oil and gas) before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or mine are governed by the law (including the conflict of laws rules) of the jurisdiction wherein the wellhead or mine is located.

§ 7-9-104. Transactions excluded from article.

This article does not apply:

(a) To a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) To a nonconsensual landlord's lien, except as provided in section 7-9-310 on priority of such liens; or

(c) To a lien given by statute or other rule of law for services or materials except as provided in section 7-9-310 on priority of such liens; or

(d) To a transfer of a claim for wages, salary or other compensation of an employee; or

(e) To any security interest created in connection with any of its securities by this state, any municipal corporation, county, public authority, public corporation or other similar public or governmental agency or unit in this state, or any political subdivision of any thereof, or by any educational institution or educational corporation organized under the laws of this state, whether such institution or corporation is public or private; or

(f) To a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) To a transfer of an interest in or claim in or under any policy of insurance or contract for an annuity including a variable annuity, except as provided with respect to proceeds (section 7-9-306) and priorities in proceeds (section 7-9-312); or

(h) To a right represented by a judgment (other than a judgment taken on a right to payment which was collateral); or

(i) To any right of set-off; or

(j) Except to the extent that provision is made for fixtures in section 7-9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) To a transfer in whole or in part of any claim arising out of tort; or

(l) To a transfer of an interest in any deposit account (subsection (1) of section 7-9-105), except as provided with respect to proceeds (section 7-9-306) and priorities in proceeds (section 7-9-312).

§ 7-9-105. Definitions and index of definitions.

(1) In this article unless the context otherwise requires:

(a) “Account debtor” means the person who is obligated on an account, chattel paper or general intangible;

(b) “Chattel paper” means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) “Collateral” means the property subject to a security interest, and includes accounts and chattel paper which have been sold;

(d) “Debtor” means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts or chattel paper. When the debtor and the owner of the collateral are not the same person, the term “debtor” means the owner of the collateral in any provision of the article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) “Deposit account” means a demand, time, savings, pass-book or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a certificate of deposit;

(f) “Document” means document of title as defined in the general definitions of article 1 (section 7-1-201), and a receipt of the kind described in subsection (2) of section 7-7-201;

(g) “Encumbrance” includes liens on real estate, other rights that are not ownership interests and real estate mortgages;

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (section 7-9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like (including oil and gas) before extraction. "Goods" also include the unborn young of animals, growing crops and timber to be cut;

(i) "Instrument" means a negotiable instrument (defined in section 7-3-104), or a security (defined in section 7-8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(j) "Mortgage" means a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation;

(l) "Security agreement" means an agreement which creates or provides for a security interest;

(m) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party;

(n) "Utility" means any person primarily engaged in the railroad, street railway or trolley bus business, the telephone or telegraph business, the transmission of goods by pipeline, or the transmission or the production and transmission of electricity, steam, gas or water. The term "transmission" shall include distribution;

(o) "Timber to be cut" means standing timber and trees, and cutting rights with respect thereto, to the extent, and only to the extent, the same are and are to be considered as chattels and not real property, or any interest therein, as provided by section 35-4-363.

(2) Other definitions applying to this article and the sections in which they appear are:

"Account." Section 7-9-106.

"Attach." Section 7-9-203.

- “Construction mortgage.” Section 7-9-313(1).
- “Consumer goods.” Section 7-9-109(1).
- “Equipment.” Section 7-9-109(2).
- “Farm products.” Section 7-9-109(3).
- “Fixture.” Section 7-9-313.
- “Fixture filing.” Section 7-9-313.
- “General intangibles.” Section 7-9-106.
- “Inventory.” Section 7-9-109(4).
- “Lien creditor.” Section 7-9-301(3).
- “Proceeds.” Section 7-9-306(1).
- “Purchase money security interest.” Section 7-9-107.
- “United States.” Section 7-9-103.

(3) The following definitions in other articles apply to this article:

- “Check.” Section 7-3-104.
- “Contract for sale.” Section 7-2-106.
- “Holder in due course.” Section 7-3-302.
- “Note.” Section 7-3-104.
- “Sale.” Section 7-2-106.
- “Certificate of deposit.” Section 7-3-104(2).

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 7-9-106. Definitions: “Account”; “general intangibles.”

“Account” means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper, whether or not it has been earned by performance. “General intangibles” means any personal property (including things in action) other than goods, accounts, chattel paper, documents, instruments, and money. All rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are accounts.

§ 7-9-114. Consignment.

(1) A person who delivers goods under a consignment which is not a security interest and who would be required to file under this article by paragraph (3) (c) of section 7-2-326 has priority over a secured party who is or becomes a creditor of the consignee and who would have a perfected security interest in the goods if they were the property of the consignee, and also has priority with respect to identifiable cash proceeds received on or before delivery of the goods to a buyer, if:

(a) The consignor complies with the filing provision of the article on sales with respect to consignments (paragraph (3) (c) of section 7-2-326) before the consignee receives possession of the goods; and

(b) The holder of the security interest, if he has filed a financing statement covering the same type of goods before the date of the filing made by the consignor, receives notification in writing from the consignor before the consignee receives possession of the goods; and

(c) The holder of the security interest receives the notification within five years before the consignee receives possession of the goods; and

(d) The notification states that the consignor expects to deliver goods on consignment to the consignee, describing the goods by item or type.

(2) In the case of a consignment which is not a security interest and in which the requirements of the preceding subsection have not been met, a person who delivers goods to another is subordinate to a person who would have a perfected security interest in the goods if they were the property of the debtor.

§ 7-9-203. Attachment and enforceability of security interest; proceeds; formal requisites.

(1) Subject to the provisions of section 7-4-208 on the security interest of a collecting bank and section 7-9-113 on a security interest arising under the article on sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) The collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

- (b) Value has been given; and
- (c) The debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by section 7-9-306.

(4) A transaction, although subject to this article, is also subject to any statute of this State governing small loans, retail installment sales, consumer credit, or the like, and in the case of conflict between the provisions of this article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

§ 7-9-204. After-acquired property; future advances.

(1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause:

(a) To crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

(b) To consumer goods other than accessions (section 7-9-314) when given as additional security unless the debtor acquires rights in them within 20 days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of section 7-9-105).

§ 7-9-205. Use or disposition of collateral without accounting permissible.

A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts or chattel paper, or to accept the

return of goods or make reposessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

§ 7-9-301. Persons who take priority over unperfected security interests; "lien creditor."

(1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of:

(a) Persons entitled to priority under section 7-9-312;

(b) A person who becomes a lien creditor before the security interest is perfected;

(c) In the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business, or is a buyer of farm products in ordinary course of business, to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) In the case of accounts and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected;

(e) A landlord's lien entitled to priority under section 7-9-310.

(2) If the secured party files with respect to a purchase money security interest before or within 20 days after the debtor receives possession of the collateral, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver from the time of appointment.

(4) A person who becomes a lien creditor while a security interest is perfected takes subject to the security interest only to the extent that it secures advances made:

(a) Before he becomes a lien creditor; or

(b) Within 45 days after he becomes a lien creditor regardless of the secured party's knowledge of the lien; or

(c) More than 45 days after he becomes a lien creditor and prior to receipt by the secured party of written notice of the lien from the lien creditor; or

(d) Pursuant to a commitment entered into prior to receipt by the secured party of written notice of the lien from the lien creditor.

§ 7-9-302. When filing is required to perfect security interest; security interests to which filing provisions of this article do not apply.

(1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under section 7-9-305;

(b) A security interest temporarily perfected in instruments or documents without delivery under section 7-9-304 or in proceeds for a 20-day period under section 7-9-306;

(c) A security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) A purchase money security interest in consumer goods; but filing is required for a motor vehicle required to be registered; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 7-9-313;

(e) An assignment of accounts which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts of the assignor;

(f) A security interest of a collecting bank (section 7-4-208) or arising under the article on sales (see section 7-9-113) or covered in subsection (3) of this section;

(g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this article is not necessary or effective to perfect a security interest in property subject to:

(a) A statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this article for filing of the security interest; or

(b) The following statutes of this state: any certificate of title statute covering automobiles, trailers, mobile homes, boats, farm tractors, or the like, and any central filing statute; but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provision of this article (part 4) apply to a security interest in the collateral created by him as debtor; or

(c) a certificate of title statute of another jurisdiction under the law or which indication of a security interest on the certificate is required as a condition of perfection (subsection (2) of section 7-9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this article, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in section 7-9-103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest is subject to this article.

(5) (a) The filing provisions of this article also do not apply to a security interest in personal property or fixtures of a utility which is created by a mortgage or other security agreement which also covers real property situated in the state of Alabama and which has been filed for record in accordance with the laws of Alabama governing mortgages of real property. Such security interest shall be perfected by such filing, whether such filing shall have been accomplished before or after the effective date hereof; and such security interest shall be and remain effective, both as to the personal property or fixtures covered by the security interest at the time that it is perfected and as to personal property or fixtures which may subsequently be covered by the security interest under any after-acquired property provision of the mortgage or other security agreement creating the security interest, as long as such mortgage or other security agreement shall remain in effect, without the necessity for any refiling under the provisions of this article.

(b) Except as otherwise provided in paragraph (a) of this subsection (5), security interests in personal property or fixtures

of a utility are subject to sections 7-9-401(5) and 7-9-403(6).

§ 7-9-304. Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession.

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in money or instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5) of this section and subsections (2) and (3) of section 7-9-306 on proceeds.

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor:

(a) Makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange, but priority between conflicting security interests in the goods is subject to subsection (3) of section 7-9-312; or

(b) Delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21-day period in subsections (4) and (5) perfection

depends upon compliance with applicable provisions of this article.

§ 7-9-305. When possession by secured party perfects security interest without filing.

A security interest in letters of credit and advices of credit (subsection (2) (a) of section 7-5-116), goods, instruments, money, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this article. The security interest may be otherwise perfected as provided in this article before or after the period of possession by the secured party.

§ 7-9-306. "Proceeds"; secured party's rights on disposition of collateral.

(1) "Proceeds" includes whatever is received upon the sale, exchange, collection or other disposition of collateral or proceeds. Insurance payable by reason of loss or damage to the collateral is proceeds, except to the extent that it is payable to a person other than a party to the security agreement. Money, checks, deposit accounts, and the like are "cash proceeds." All other proceeds are "noncash proceeds."

(2) Except where this article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof unless the disposition was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected 20 days after receipt of the proceeds by the debtor unless:

(a) A filed financing statement covers the original collateral and the proceeds are collateral in which a security interest may be perfected by filing in the office or offices where the financing statement has been filed and, if the proceeds are acquired with cash proceeds, the description of collateral in the financing statement indicates the types of property constituting the proceeds; or

(b) A filed financing statement covers the original collateral

and the proceeds are identifiable cash proceeds; or

(c) The security interest in the proceeds is perfected before the expiration of the 20-day period.

Except as provided in this section, a security interest in proceeds can be perfected only by the methods or under the circumstances permitted in this article for original collateral of the same type.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest only in the following proceeds:

(a) In identifiable noncash proceeds and in separate deposit accounts containing only proceeds;

(b) In identifiable cash proceeds in the form of money which is neither commingled with other money nor deposited in a deposit account prior to the insolvency proceedings;

(c) In identifiable cash proceeds in the form of checks and the like which are not deposited in a deposit account prior to the insolvency proceedings; and

(d) In all cash and deposit accounts of the debtor in which proceeds have been commingled with other funds, but the perfected security interest under this paragraph (d) is:

(i) Subject to any right of setoff; and

(ii) Limited to an amount not greater than the amount of any cash proceeds received by the debtor within 20 days before the institution of the insolvency proceedings less the sum of (I) the payments to the secured party on account of cash proceeds received by the debtor during such period and (II) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) through (c) of this subsection (4).

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to

continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under section 7-9-308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

§ 7-9-307. Protection of buyers of goods.

(1) A buyer in ordinary course of business (subsection (9) of section 7-1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer of goods other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45-day period.

§ 7-9-308. Purchase of chattel paper and instruments.

A purchaser of chattel paper or an instrument who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in the chattel paper or instrument:

(a) Which is perfected under section 7-9-304 (permissive filing and temporary perfection) or under section 7-9-306 (perfection as to proceeds) if he acts without knowledge that the specific paper or instrument is subject to a security interest; or

(b) Which is claimed merely as proceeds of inventory subject to a security interest (section 7-9-306) even though he knows that the specific paper or instrument is subject to the security interest.

§ 7-9-310. Priority of certain liens arising by operation of law; landlord's lien.

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

(2) Priority conflicts between a landlord's lien for rent arising by operation of law and a security interest in collateral other than crops brought on leased premises shall be determined as follows:

(a) If the security interest attaches after the property is brought on the premises the landlord's lien has priority over the security interest.

(b) If the security interest attaches before the property is brought on the premises the security interest has priority over the landlord's lien from the time the security interest is perfected or the landlord has notice of the security interest, whichever first occurs; except that if the secured party files with respect to a purchase money security interest before or within 20 days after the debtor receives possession of the collateral, the security interest takes priority over the landlord's lien.

§ 7-9-312. Priorities among conflicting security interests in the same collateral.

(1) The rules of priority stated in other sections of this part and in the following sections shall govern when applicable: section 7-4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; section 7-9-103 on security interests related to other jurisdictions; section 7-9-114 on consignments.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops became growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier

interest secures obligations due more than six months before the crops became growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if:

(a) The purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) The holder of the conflicting security interest, if he has filed a financing statement covering the same type of inventory prior to:

(i) The date of the filing made by the purchase money secured party, or

(ii) The beginning of the 21-day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of section 7-9-304),

has received notification in writing of the purchase money security interest before the debtor receives possession of the inventory; and

(c) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) The notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 20 days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing

is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing or the taking of possession, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

§ 7-9-313. Priority of security interests in fixtures.

(1) In this section and in the provisions of part 4 of this article referring to fixture filing, unless the context otherwise requires:

(a) Goods are “fixtures” when they become so related to particular real estate that an interest in them arises under real estate law.

(b) A “fixture filing” is the filing in the office where a mortgage on the real estate would be filed or recorded of a financing statement covering goods which are or are to become fixtures and conforming to the requirements of subsection (5) of section 7-9-402 or of a mortgage conforming to the requirements of subsection (6) of section 7-9-402.

(c) A mortgage is a “construction mortgage” to the extent that it secures an obligation incurred for the construction of an improvement on land including the acquisition cost of the land, if the recorded writing so indicates.

(2) A security interest under this article may be created in goods which are fixtures or may continue in goods which become fixtures, but no security interest exists under this article in ordinary building materials incorporated into an improvement on land.

(3) This article does not prevent creation of an encumbrance upon fixtures pursuant to real estate law.

(4) A perfected security interest in fixtures has priority over the conflicting interest of an encumbrancer or owner of the real estate where:

(a) The security interest is a purchase money security interest, the interest of the encumbrancer or owner arises before the goods become fixtures, the security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter and, at the time the security interest attaches, the debtor has an interest of record in the real estate, or is in possession thereof, or has a present or future possessory interest therein; or

(b) The security interest is perfected by a fixture filing before the interest of the encumbrancer or owner is of record, the security interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner and, at the time the security interest attaches, the debtor has an interest of record in the real estate, or is in possession thereof, or has a present or future possessory interest therein; or

(c) The fixtures are readily removable factory or office machines or readily removable replacements of domestic appliances which are consumer goods, and before the goods become fixtures the security interest is perfected by any method permitted by this article; or

(d) The conflicting interest is a lien on the real estate obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article.

(5) A security interest in fixtures, whether or not perfected, has priority over the conflicting interest of an encumbrancer or owner of the real estate where:

(a) The encumbrancer or owner has consented in writing to the security interest or has disclaimed an interest in the goods as fixtures; or

(b) The debtor has a right to remove the goods as against the encumbrancer or owner. If the debtor's right terminates, the priority of the security interest continues for a reasonable time.

(6) Notwithstanding paragraph (a) of subsection (4) but otherwise subject to subsections (4) and (5), a security interest in fixtures is subordinate to a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. To the extent that it is given to refinance a construction mortgage, a mortgage has this priority to the same extent as the construction mortgage.

(7) In cases not within the preceding subsections, a security interest in fixtures is subordinate to the conflicting interest of an encumbrancer or owner of the related real estate who is not the

debtor.

(8) When the secured party has priority over all owners and encumbrancers of the real estate, he may, on default, subject to the provisions of part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

(9) This section does not apply to a landlord's lien arising by operation of law.

§ 7-9-318. Defenses against assignee; modification of contract after notification of assignment; term prohibiting assignment ineffective; identification and proof of assignment.

(1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in section 7-9-206 the rights of an assignee are subject to:

(a) All the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment or a part thereof under an assigned contract has not been fully earned by performance, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the amount due or to become due has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may

pay the assignor.

(4) A term in any contract between an account debtor and an assignor is ineffective if it prohibits assignment of an account or prohibits creation of a security interest in a general intangible for money due or to become due or requires the account debtor's consent to such assignment or security interest.

§ 7-9-401. Place of filing; erroneous filing; removal of collateral.

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the judge of probate in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the judge of probate in the county where the goods are kept, and in addition when the collateral is crops growing or to be grown in the office of the judge of probate in the county where the land is located;

(b) When the financing statement is filed as a fixture filing (section 7-9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded; and when the collateral is timber to be cut, then in the office of the judge of probate in the county where the land on which the timber is standing is located;

(c) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 7-9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to subsections (3) and (4) of section 7-9-302 and subsection (5) (a) of

section 7-9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a utility is the office of the secretary of state. This filing constitutes a fixture filing (section 7-9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

§ 7-9-402. Formal requisites of financing statement; amendments; mortgage as financing statement.

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or crops growing or to be grown, or when the financing statement is filed as a fixture filing (section 7-9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a signed security agreement or a signed financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in:

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under section 7-9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) Collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)
 Address.....
 Name of secured party (or assignee).....
 Address.....

1. This financing statement covers the following types (or items) of property:
 (Describe)

2. (If collateral is crops) The above described crops are growing or are to be grown on:
 (Describe real estate).....
 (If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:
 (Name record owner)
 This financing statement is to be cross-indexed in the real estate mortgage records.

3. (If collateral is goods which are or are to become fixtures) The above-described goods are or are to become fixtures on:
 (Describe real estate)
 (If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:
 (Name record owner)
 This financing statement is to be cross-indexed in the real estate mortgage records.

4. (If collateral is timber to be cut) The above-described collateral is standing on:
 (Describe real estate)
 (If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:
 (Name record owner)
 This financing statement is to be cross-indexed in the real estate mortgage records.

5. (If products of collateral are claimed) Products of the collateral are also covered.

(use
whichever	Signature of debtor (or assignor)
is
applicable)	Signature of secured party (or assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party which identifies the financing statement by file number. The uniform fee for filing and indexing an amendment shall be \$4.00 for the first page and \$.50 per page for each additional page if the amendment is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form, plus in each case an additional fee of \$1.00 for each name more than one against which the amendment is required to be indexed. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering crops growing or to be grown, or a financing statement filed as a fixture filing (section 7-9-313) where the debtor is not a utility, must show that it covers this type of collateral, must show that it is to be cross-indexed in the real estate mortgage records and must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement must also show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) The name of the debtor in the financing statement shall be the individual, partnership or corporate name of the debtor, regardless of trade names or the names of partners. The secured party may at his option add trade names and obtain additional indexing under such names (subsections (4) and (5) of section 7-9-403). Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

§ 7-9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer.

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later; but when the five-year period expires before the expiration of the 60-day period, the security interest remains continuously perfected beyond the 60-day period only if a continuation statement is filed before expiration of the five-year period or a new financing statement is filed between the time of expiration of the five-year period and expiration of the 60-day period. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 7-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation

statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it. Microfilm or other photographic records may be removed and destroyed after five years after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) The filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and such trade names as are shown (subsection 7 of section 7-9-402) and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be \$4.00 for the first page and \$.50 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 for each statement if not in the standard form, plus in each case, if the financing statement is subject to subsection (5) of section 7-9-402, \$1.00. The uniform fee for each name more than one required to be indexed shall be \$1.00. The secured party may at his option show a trade name for any person and an extra uniform indexing fee of \$1.00 shall be paid with respect thereto.

(6) If the debtor is a utility (subsection (5) of section 7-9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 7-9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or crops growing or to be grown, or is filed as a fixture filing, the filing officer shall, in addition to indexing it in the ordinary manner prescribed in subsection (4) of this section, index it in the real estate mortgage records under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described and, to the extent that the law of this state provides for indexing of mortgages

under the name of the mortgagee, then also under the name of the secured party as if he were the mortgagee thereunder, and where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

§ 7-9-404. Termination statement.

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection (2) of section 7-9-405, including payment of the required fee. If the affected secured party fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for \$100.00, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must index it with the financing statement. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment, statement of release, and termination statement, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after the financing statement would have lapsed under section 7-9-403(2). Microfilm or other photographic records may be removed and destroyed after 5 years after the financing statement would have lapsed under section 7-9-403(2).

(3) The uniform fee for filing and indexing a termination statement and for stamping a copy furnished by the secured party to show the date and place of filing thereof shall be \$4.00 for the first page and \$.50 for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form.

§ 7-9-405. Assignment of security interest; duties of filing officer; fees.

(1) A financing statement may disclose an assignment of a secu-

urity interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark and index it as provided in subsections (4) and (7) of section 7-9-403.

(2) A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the named of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall index the assignment with the financing statement, and in the case of a fixture filing, or a filing covering timber to be cut or crops growing or to be grown, he shall also index the assignment in the real estate mortgage records under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment under the name of the assignee. The uniform fee for filing, indexing and stamping a copy furnished by the secured party to show the date, hour and place of filing for such a separate statement of assignment shall be \$4.00 for the first page and \$.50 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form, plus, in each case, if the assignment pertains to a financing statement subject to subsection (5) of section 7-9-402, \$1.00. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of section 7-9-402) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this act.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

§ 7-9-406. Release of collateral; duties of filing officer; fees.

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the

financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 7-9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall index the same with the financing statement. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date, hour and place of filing for such a statement of release shall be \$4.00 for the first page and \$.50 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form.

§ 7-9-407. Information from filing officer.

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$3.00 plus \$.50 for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of \$1.00 per page. An additional fee of \$2.00 shall be charged for each request not made on the standard form prescribed by the secretary of state.

§ 7-9-408. Financing statements covering consigned or leased goods.

A consignor or lessor of goods may file a financing statement using the terms "consignor," "consignee," "lessor," "lessee" or the like instead of the terms specified in section 7-9-402. The provisions of this part shall apply as appropriate to such a financing statement but its filing shall not of itself be a factor in determining whether or not the consignment or lease is intended as security (section 7-1-201(37)). However, if it is determined for other reasons that the consignment or lease is so intended, a security interest of the consignor or lessor which attaches to the consigned or leased goods is perfected by such filing.

§ 7-9-409. Prescribed fees in lieu of all others.

The fees provided in this part 4 of article 9 for the performance of certain duties by filing officers shall be in lieu of all other fees otherwise provided by law for the performance of such duties.

§ 7-9-501. Default; procedure when security agreement covers both real and personal property.

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in section 7-9-207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this part, those provided in the security agreement and those provided in section 7-9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (3) of section 7-9-504 and section 7-9-505) and with respect to redemption of collateral (section 7-9-506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) Subsection (2) of section 7-9-502 and subsection (2) of section 7-9-504 insofar as they require accounting for surplus proceeds of collateral;

(b) Subsection (3) of section 7-9-504 and subsection (1) of section 7-9-505 which deal with disposition of collateral;

(c) Subsection (2) of section 7-9-505 which deals with acceptance of collateral as discharge of obligation;

(d) Section 7-9-506 which deals with redemption of collateral; and

(e) Subsection (1) of section 7-9-507 which deals with the secured party's liability for failure to comply with this part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this part as to the personal property or he may proceed as to both the real and the

personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

§7-9-502. Collection rights of secured party.

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under section 7-9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

§ 7-9-504. Secured party's right to dispose of collateral after default; effect of disposition.

(1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the article on sales (article 2). The proceeds of disposition shall be applied in the order following to:

(a) The reasonable expenses of retaking, holding, preparing for sale or lease, selling, leasing and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) The satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor. In the case of consumer goods no other notification need be sent. In other cases notification shall be sent to any other secured party from whom the secured party has received (before sending his notification to the debtor or before the debtor's renunciation of his rights) written notice of a claim of an interest in the collateral. The secured party may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this part or of any judicial proceedings:

(a) In the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) In any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this article.

§ 7-9-505. Compulsory disposition of collateral; acceptance of the collateral as discharge of obligation.

(1) If the debtor has paid 60 percent of the cash price in the case of a purchase money security interest in consumer goods or 60 percent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this part a secured party who has taken possession of collateral must dispose of it under section 7-9-504 and if he fails to do so within 90 days after he takes possession the debtor at his option may recover in conversion or under section 7-9-507(1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor. In the case of consumer goods no other notice need be given. In other cases notice shall be sent to any other secured party from whom the secured party has received (before sending his notice to the debtor or before the debtor's renunciation of his rights) written notice of a claim of an interest in the collateral. If the secured party receives objection in writing from a person entitled to receive notification within 21 days after the notice was sent, the secured party must dispose of the collateral under section 7-9-504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

ARTICLE 11.

EFFECTIVE DATE AND TRANSITION PROVISIONS

§ 7-11-101. Effective date; definitions.

(1) This act shall become effective at 12:01 a.m. on February 1, 1982.

(2) As used in this article 11:

(a) The term "old U.C.C." means sections 7-1-105, 7-1-201, 7-2-107, 7-5-116, 7-9-102, 7-9-103, 7-9-104, 7-9-105, 7-9-106, 7-9-203, 7-9-204, 7-9-205, 7-9-301, 7-9-302, 7-9-304, 7-9-305, 7-9-306, 7-9-307,

7-9-308, 7-9-310, 7-9-312, 7-9-313, 7-9-318, 7-9-401, 7-9-402, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 7-9-408, 7-9-501, 7-9-502, 7-9-504 and 7-9-505, Code of Alabama 1975, as they are in effect immediately prior to the effective date of this act.

(b) The term "new U.C.C." means sections 7-1-105, 7-1-201, 7-2-107, 7-5-116, 7-9-102, 7-9-103, 7-9-104, 7-9-105, 7-9-106, 7-9-114, 7-9-203, 7-9-204, 7-9-205, 7-9-301, 7-9-302, 7-9-304, 7-9-305, 7-9-306, 7-9-307, 7-9-308, 7-9-310, 7-9-312, 7-9-313, 7-9-318, 7-9-401, 7-9-402, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 7-9-408, 7-9-409, 7-9-501, 7-9-502, 7-9-504 and 7-9-505, Code of Alabama 1975, as said provisions are enacted pursuant to this act.

§ 7-11-102. Preservation of old transition provision.

The provisions of section 7-10-102, Code of Alabama 1975, shall continue to apply to the new U.C.C. and for this purpose the old U.C.C. and new U.C.C. shall be considered one continuous statute.

§ 7-11-103. Transition to new U.C.C. — general rule.

Transactions validly entered into after the effective date of the old U.C.C. and before the effective date of the new U.C.C., and which were subject to the provisions of the old U.C.C. and which would be subject to this act as amended if they had been entered into after the effective date of the new U.C.C. and the rights, duties and interests flowing from such transactions remain valid after the latter date and may be terminated, completed, consummated or enforced as required or permitted by the new U.C.C. Security interests arising out of such transactions which are perfected when the new U.C.C. becomes effective shall remain perfected until they lapse as provided in the new U.C.C., and may be continued as permitted by the new U.C.C., except as stated in section 7-11-105.

§ 7-11-104. Transition provision on change of requirement of filing.

A security interest for the perfection of which filing or the taking of possession was required under the old U.C.C. and which attached prior to the effective date of the new U.C.C. but was not perfected shall be deemed perfected on the effective date of the new U.C.C. if the new U.C.C. permits perfection without filing or authorizes filing in the office or offices where a prior ineffective filing was made.

§ 7-11-105. Transition provision on change of place of filing.

(1) A financing statement or continuation statement filed prior to the effective date of the new U.C.C. which shall not have lapsed prior to the effective date of the new U.C.C. shall remain effective for the period provided in the old U.C.C., but not less than five years after the filing.

(2) With respect to any collateral acquired by the debtor subsequent to the effective date of the new U.C.C., any effective financing statement or continuation statement described in this section shall apply only if the filing or filings are in the office or offices that would be appropriate to perfect the security interests in the new collateral under the new U.C.C.

(3) The effectiveness of any financing statement or continuation statement filed prior to the effective date of the new U.C.C. may be continued by a continuation statement as permitted by the new U.C.C., except that if the new U.C.C. requires a filing in an office where there was no previous financing statement, a new financing statement conforming to section 7-11-106 shall be filed in that office.

(4) If the record of a mortgage of real estate would have been effective as a fixture filing of goods described therein if the new U.C.C. had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under subsection (6) of section 7-9-402 of the new U.C.C. on the effective date of the new U.C.C.

§ 7-11-106. Required refilings.

(1) If a security interest is perfected or has priority when this act takes effect as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under the new U.C.C., the perfection and priority rights of the security interest continue until 3 years after the effective date of the new U.C.C. The perfection will then lapse unless a financing statement is filed as provided in subsection (2) or unless the security interest is perfected otherwise than by filing.

(2) A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice (however denominated in any statute or other law repealed or modified by this act), state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under the Uniform Commercial Code or under any statute or other law repealed or modified by this act is still effective. Section 7-9-401 and section 7-9-103 determine the proper place to file such a financing statement. Except as specified in this subsection, the provisions of section 7-9-403(3) for continuation statements apply to such a financing statement.

§ 7-11-107. Transition provisions as to priorities.

Except as otherwise provided in article 11, the old U.C.C. shall apply to any questions of priority if the positions of the parties were fixed prior to the effective date of the new U.C.C. In other cases questions of priority shall be determined by the new U.C.C.

§ 7-11-108. Presumption that rule of law continues unchanged.

Unless a change in law has clearly been made, the provisions of the new U.C.C. shall be deemed declaratory of the meaning of the old U.C.C.

§ 7-11-109. Laws amended.

(1) Section 35-9-60, Code of Alabama 1975, is amended to read as follows:

“The landlord of any storehouse, dwelling house or other building shall have a lien on the goods, furniture and effects belonging to the tenant, and subtenant, for his rent, which shall be superior to all other liens, except those for taxes, and except as otherwise provided in section 7-9-310(2). In case the tenant or subtenant is adjudged a bankrupt, such lien on such goods, furniture and effects of the bankrupt, except for a dwelling house, used exclusively as a dwelling, shall, as against the trustee in bankruptcy, attach only for unpaid rent accrued and which shall accrue within six months from the date of adjudication computed pro rata at the then current rate. The lien amount accrued and to accrue shall not be increased by reason of any default or breach of contract by the bankrupt. From the amount of such lien, so computed, the trustee in bankruptcy may deduct all payments and all demands which could be legally set up against the landlord by way of counterclaim. If the trustee in bankruptcy shall dispose of the lease as an asset of the bankrupt estate, then the landlord shall have a lien on the goods, furniture and effects of any person holding under the trustee in bankruptcy.”

(2) Section 32-8-61, Code of Alabama 1975, is amended to read as follows:

“(a) Unless excepted by this section, a security interest in a vehicle for which a certificate of title is required by the terms of this chapter is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this article.

(b) A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the

required fee. It is perfected as of the time of its creation if the delivery is completed within 10 days thereafter, otherwise, as of the time of the delivery.”

§ 7-11-110. Effect of Invalidity of Part of this Act.

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

Approved April 22, 1981

Time: 5:00 P.M.

Act No. 81-313

H.J.R. 262—Reps. McCorquodale, Manley

HOUSE JOINT RESOLUTION

EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

WHEREAS, it is with extreme pleasure that the Legislature of Alabama notes the forthcoming marriage, on April 25, 1981, of Miss Anne Elizabeth Campbell to Mr. Harold William Bloom, Jr.; and

WHEREAS, Miss Campbell, who is a graduate of the University of Alabama with a Master's Degree in Finance, was a member of ODK, Mortar Board, the Anderson Society, member and treasurer of Alpha Gamma Delta Sorority, vice president of the Association of Women Students and a member of the Triangle Society; she also was an Entrepreneurial Scholar and was listed in Who's Who in American Colleges and Universities; and

WHEREAS, Mr. Bloom, a Livingston University graduate, also was responsibly involved in collegiate affairs as treasurer of S.G.A., vice president of the Inter-Fraternity Council and as president of Delta Phi Beta Honorary, Pi Kappa Phi Fraternity, Livingston University Young Democrats and the Collegiate Civitans; and

WHEREAS, he has further served, since graduation, as secretary-treasurer of the Demopolis Industrial Development Board, on the Board of Trustees of C.C.E.A.A., the Board of Directors of the Demopolis Jaycees, the Executive Committee of the Alabama Jaycees and as president of the Livingston University National Alumni Association; he was a 1973 selection of Outstanding Young Men in

America, is listed in Who's Who in the South and Southeast and is a Montgomery Rotarian; and

WHEREAS, the happiness we share with this fine young couple is indeed personal in its pleasure as Hal Bloom is a longtime friend of the members of the Legislature through association during his former tenure of some five years as Executive Assistant to House Speaker Joe C. McCorquodale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend best wishes to our friends, Anne Elizabeth Campbell and Hal Bloom; we sincerely wish them much happiness in the years ahead and direct that they receive a copy of this resolution in token of our affection and warm personal regards.

Approved April 23, 1981

Time: 4:30 P.M.

Act No. 81-314

H. 81—Rep. Manley

AN ACT

To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-29-2 of the Code of Alabama, 1975 (as amended by Act Number 80-199, Acts of Alabama 1980) is hereby amended to read as follows:

§ 27-29-2. Subsidiaries and affiliates of domestic insurers.

(a) Authorization.—Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries or affiliates in accordance with the provisions contained in this section. Such subsidiaries or affiliates may conduct any kind of business, or businesses, permitted by the Constitution and the laws of this state, and their authority to do so shall not be limited by reason of the fact that they are subsidiaries or affiliates of a domestic insurer.

(b) Additional investment authority.—In addition to any other statute of this state, now existing or hereafter enacted, expressly authorizing investments in common stock, preferred stock, debt obligations and other securities, a domestic insurer, other than a life and

health insurer, may also invest in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates. In the event any such investments shall be made after the effective date of this Act, then all such investments of such domestic insurer, whether made prior to or subsequent to its passage, shall be stated in all financial statements of such insurer filed with the commissioner at values determined as follows:

(1) All investments in common stock, preferred stock and other equity securities in such subsidiaries or affiliates shall be valued at the net asset (book) value of such securities; and

(2) All debt obligations shall be valued in accordance with standards and procedures established by the commissioner which shall be in reasonable accord with the procedures and rules for valuing such securities as may be recommended, from time to time, by the National Association of Insurance Commissioners.

(c) Additional investment authority for life, disability and burial insurers.—In addition to investments in common stock, preferred stock, debt obligations and other securities permitted under all other sections of this title, a domestic life, disability and burial insurer may also:

(1) Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries or affiliates, amounts which do not exceed the lesser of ten percent of such insurer's assets or 75 percent of the total of the insurer's capital and surplus as shown in the latest annual report of the insurer filed pursuant to subsection (a) of section 27-3-26 less the minimum capital and surplus required of said insurer for authority to transact insurance by sections 27-3-7 and 27-3-8, provided that after such investments the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments, there shall be included:

a. Total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary or affiliate, including all organizational expenses and contributions to capital and surplus of such subsidiary or affiliate whether or not represented by the purchase of capital stock or issuance of other securities; and

b. All amounts expended in acquiring additional common stock, debt obligations, and other securities and all contributions to the capital or surplus, of a subsidiary or affiliate, subsequent to its acquisition or formation;

(2) If the insurer's total liabilities, as calculated for National Association of Insurance Commissioners annual statement purposes are less than 10 percent of assets, invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer's surplus as regards policyholders, considering such investment as if it were a disallowed asset, will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;

(3) Invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates, provided that each such subsidiary or affiliate agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subdivision (1) of this subsection or in sections 27-41-15 through 27-41-18 and 27-41-35. For the purpose of this subdivision, 'the total investment of the insurer' shall include:

a. Any direct investment by the insurer in an asset; and

b. The insurer's proportionate share of any investment in an asset by any subsidiary or affiliate of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of such subsidiary or affiliate;

(4) With the approval of the commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs; and

(5) Invest any amount in the common stock, preferred stock, debt obligations, or other securities of any subsidiary or affiliate exclusively engaged in holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, and if following such investment all voting securities of such subsidiary would be owned by the insurer.

(d) Exemption from investment restrictions.—Investments in common stock, preferred stock, debt obligations and other securities

of subsidiaries or affiliates made pursuant to subsections (b) or (c) of this section shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in this title applicable to such investments of insurers.

(e) Qualification of investment; when determined.—Whether any investment pursuant to subsections (b) or (c) of this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations and the value of all previous investments in equity securities as of the date they were made.

(f) Cessation of control.—If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after such investment shall have been made, such investment shall have met the requirements for investment under any other section of this title, and the insurer has notified the commissioner.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-315

H.J.R. 228—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, April 8, we adjourn to meet again on Tuesday, April 14; when we adjourn on Tuesday, April 14, we adjourn to meet again on Thursday, April 16; when we adjourn on Thursday, April 16, we adjourn to meet again on Tuesday, April 21; when we adjourn on Tuesday, April 21, we adjourn to meet again on Wednesday, April 22; when we adjourn on Wednesday, April 22, we adjourn to meet again on Thursday, April 23; all dates hereinabove stated being in the year 1981.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-316

H. 59—Rep. Adams (C)

AN ACT

To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature to give the State of Alabama Highway Department authority to accumulate depreciation, equipment replacement allowances, and salvage value on road machinery and equipment sufficient to upgrade, replace, or make extraordinary repairs to the Highway Department's road machinery and equipment as determined by a Road Machinery and Equipment Management Program to be developed by the Highway Department.

Section 2. Unless the context clearly indicates otherwise, the following words and phrases will have the following meanings:

- (a) "Road Machinery and Equipment" — Self-Propelled equipment or other equipment commonly referred to in the State Highway Department as rental equipment.
- (b) "Depreciation" — That process of allocating the original cost per fixed asset over the productive life of the asset using some generally accepted method of depreciation.
- (c) "Equipment Replacement Allowance" — An amount, when added to the depreciation and salvage value of a unit of road machinery and equipment and accumulated in a special account, that will provide the funds to upgrade, replace, or make extraordinary repairs to that unit of road machinery and equipment.
- (d) "Equipment Management Surplus Reserve Account" — A special revolving account or fund to be established in the Public Road and Bridge Fund of the State of Alabama Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.
- (e) "Highway Department Divisions" — Those divisions of the Highway Department responsible for road construction and maintenance over a specified geographic area of the State.

- (f) "Extraordinary Repairs" — Repairs made to extend an asset's useful life beyond that which was originally estimated.
- (g) "Salvage Value" — That portion of a unit of road machinery and equipment's cost that is recovered at the end of its productive life.
- (h) "General Office" — Those general and administrative offices of the Highway Department located in Montgomery, Alabama.

Section 3. There is hereby created in the Public Road and Bridge Fund of the State of Alabama Highway Department an Equipment Management Surplus Reserve Account. The Highway Director is hereby directed to establish a Road Machinery and Equipment Management Program which will determine the type, number, and distribution between the General Office and Highway Department Divisions of the road machinery and equipment necessary to carry out the mission of the Highway Department in an efficient manner. This System must also determine the productive life of all of the road machinery and equipment and establish depreciation rates, equipment replacement allowances, and salvage value which, when accumulated in the Equipment Management Surplus Reserve Account, will provide the necessary funds to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Section 4. The Equipment Management Surplus Reserve Account must be subdivided into subaccounts; one for the General Office and one each for each of the Highway Department Divisions. Depreciation, equipment replacement allowances, and salvage value will be credited to the account of the General Office or Highway Department Division to which the unit of road machinery and equipment is assigned and will not be comingled or transferred between the Highway Department Divisions or the General Office. The funds in each of these subaccounts of the General Office and Highway Department Divisions will be available to them to upgrade, replace, or to make extraordinary repairs to road machinery and equipment.

Section 5. There is hereby appropriated all of the funds credited to the Equipment Management Surplus Reserve Accounts, due to depreciation, equipment replacement allowances, and salvage value of road machinery and equipment, for upgrading, replacement, or extraordinary repairs to road machinery and equipment. These funds to not revert at the end of each fiscal year but carry over to each succeeding year. It is the intent of the Legislature that funds appropriated from the Equipment Management Surplus Reserve Account be used only to upgrade, replace, or make extraordinary repairs to road machinery and equipment, and that they not be used to increase the number of units of equipment of the Highway Department. It

is the further intent of the legislature to use these funds to maintain the present level of road maintenance, as opposed to using said funds to place the state in a competitive position with private enterprise. Specific funds must be appropriated by the State Legislature to increase the number of units of road machinery and equipment.

Section 6. Any other provision of law to the contrary notwithstanding, at the end of the productive life of a unit of road machinery or equipment covered by the "Equipment Management Surplus Reserve Account" established as provided for in this Act, such unit of road machinery or equipment shall be sold at the discretion of the highway director, either at public auction as provided for by the laws of the State of Alabama, or by a negotiated sale between the highway department and any other state department or agency, and the proceeds from any such sale, whether at public auction or by such negotiation, shall be paid into the Equipment Management Surplus Reserve Account and credited to the subaccount to which the unit of road machinery or equipment is credited.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act shall be retroactive to October 1, 1980.

Section 10. This act shall be effective immediately upon its signing by the Governor of Alabama.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-317

H. 712—Rep. Turner

AN ACT

Relating to Washington County; providing further for the compensation of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Washington County shall receive an annual salary to be set by the Washington County board of education. The salary herein provided for the

superintendent shall be fixed by the county board of education and shall be payable in equal monthly installments out of the county funds available for such purpose. In addition to such salary, the superintendent of education shall be allowed a monthly expense allowance constituting reimbursement for travel expenses incurred in the performance of his duties within the boundaries of Washington County. Travel expenses for out-of-county or out-of-state travel shall be reimbursed on the basis of actual expenses incurred in the performance of his duties as county superintendent of education.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-318

H. 735—Rep. Turner

AN ACT

To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), are hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-319

H. 782—Rep. Turner

AN ACT

To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges now prescribed by law for the issuance of a motor vehicle license plate in Washington County, there is hereby imposed a road paving fee in the amount of \$10 annually. The proceeds from the collection of such fees shall be used to finance a county road construction and improvement program as hereinafter provided. The county commission shall have discretion as to whether such plan shall be financed on a pay-as-you-go basis or by the issuance of bonds to be retired through pledge of the aforementioned fees. In any event, the revenue generated from such fees shall only be used to construct or improve the specific roads mentioned in Section 2 of this Act and each county commissioner's district shall share and share alike in all paving improvements provided under this program.

Section 2. The roads in Washington County which shall participate in the program provided for in Section 1 of this Act are as follows:

Name of Road	Area	Length of Project (miles)
Abb Richardson Road	(Tibbie)	6.6
Sea Board Cutoff Road	(Sea Board)	1.7
C. C. Trail	(McIntosh)	2.7
Bates Lake Road	(Malcolm)	3.0
Old North Mobile Cutoff	(McIntosh)	0.2
Old South Mobile Cutoff	(McIntosh)	2.1
Pellam Orso Road	(Fairford)	0.8
Allen Barnes Road	(McIntosh)	0.5
T. C. Reed Road	(McIntosh)	0.2
Upper Ferry Road	(Leroy)	1.0
Preswick Road	(Leroy)	3.0
Nelson Thompson Road	(Hobson)	0.5
Lower Ferry Road	(Leroy)	1.7
Kelley Street	(Wagarville)	0.3
Monroe Lane	(Sunflower)	0.5
Roney Street	(Wagarville)	0.2

Clear Water Church Road	(Wagarville)	0.7
Mama Low Road	(Wagarville)	0.6
G. G. Road	(Wagarville)	0.6
Walker Road	(St. Stephens)	1.1
Willie Beech Road	(Hobson)	0.2
Mt. Bethel Church Road	(Frankville)	1.1
Dixon Road	(Frankville)	0.3
Lulu Tayor Road	(Bigbee)	0.5
Janie Richardson Road	(Preswick)	1.5
Woodyard Road	(Leroy)	1.3
Renfro Road	(Leroy)	0.2
Dearmon Fork Road	(Dearmon Fork)	2.0
Cow Hill Road	(Copeland)	1.4
Carpenter Road	(Spring Hill)	4.2
Bashi Road	(Bashi)	1.0
Three Fork Road	(Aquilla)	0.7
Layton Fork Road	(Layton Hill)	3.5
Mitchell Road	(Millry)	0.4
Astor Carpenter Road	(Spring Bank)	1.8
Carpenter Crossroad	(Fruitdale)	2.3
Jim Owen Road	(Epworth)	0.7
Bama Williams Road	(Tibbie)	1.5
Marvin Turner Road	(Fruitdale)	1.0
Manish Rhyan Road	(Charity Chapel)	1.0
Seed Tick Road	(Charity Chapel)	0.3
Little Bethel Church Road	(Vinegar Bend)	0.1
Brown Road	(Fruitdale)	0.6
Yellow Pine Chatom Road	(Yellow Pine)	1.5
Burns Lewis Road	(Four Points)	1.0
No. Oak Grove Church Road	(Fruitdale)	1.0
Vinegar Bend Cutoff Road	(Vinegar Bend)	1.9
New Light Church Road	(Deer Park)	0.1

The Astor Carpenter Road shall be relocated so as to bypass Carpenter and Dickie Lumber Company. Priorities for all paving work shall be at the discretion of the county commission and nothing herein shall be construed to limit or preclude the use of funds other than those herein provided for on the above-mentioned projects if such become available.

Section 3. When each of the projects mentioned in Section 2 of this Act is completed and fully paid for, the license fee imposed in Section 1 of this Act shall cease to be collected.

Section 4. The provisions of this Act are severable. If any part

of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall be inoperative, null and void in ab initio unless approved by a majority of the qualified electors of Washington County who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same manner as elections on amendments to the Constitution, and shall be held on the first election day in the county next following final passage of this Act. Notice of the election shall be given by the judge of probate of Washington County, which notice shall be published once a week for three successive weeks prior to the day of the election. On the ballots to be used at the election, the proposition shall be stated substantially as follows: "Do you favor the local law providing for a road construction and improvement program in Washington County? Yes () No ()." If a majority of the votes cast at the election are in the affirmative, this Act shall be in full force and effect on the first day of the second month next following the referendum. If a majority of the votes cast are in the negative, this Act shall have no further force or effect and shall become void in ab initio. The judge of probate of Washington County shall certify the results of the election to the secretary of state within thirty days after the returns have been canvassed.

Section 7. Any warrants or other obligations issued pursuant hereto shall mature over a period of not more than thirty years from their date, may be sold at public or private sale, and shall be exempt from the provisions of any other laws of the state with respect to the issuance of obligations by the county including, without limitation, any of the usury provisions of Title 8 of the Code of Alabama 1975 and any of the provisions of Section 11-8-10 of the said Code. The issuance of warrants and any interest coupons applicable thereto pursuant to the provisions of this act and in accordance with the authorization of the county commission shall be deemed to constitute an audit and allowance by such county commission of a claim, in the aggregate principal amount of such warrants and interest coupons, against the county and against any tax proceeds pledged for payment of such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and interest coupons shall, from and after the date of their issuance, be deemed to be allowed claims against the county and against any tax proceeds so pledged therefor.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-320

H. 812—Reps. Cosby, Edwards, Pegues

AN ACT

Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Dallas County shall not receive for record or permit the recording of an instrument in which the title to real property, or of any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, unless such an instrument has endorsed on it, printed, typewritten or stamped thereon, the Grantee's name and latest complete address.

Section 2. The Probate Judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties by this Act if committed in good faith.

Section 3. This requirement imposed by Section 1 above shall be construed to be in addition to and supplemental to any other laws relating to the recording of any vesting instruments, conveying title or any interest to real property.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-321

H. 848—Rep. Penry

AN ACT

To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, all circuit judges for the 28th judicial circuit of Alabama shall receive a supplemental salary payable in equal monthly installments from the Baldwin County General Fund in the sum of Six Thousand Dollars (\$6000.00) per year. Such supplement shall be paid in lieu of all other supplemental or expense payments heretofore authorized by law.

Section 2. Immediately upon the effective date of this act, all district judges for the 28th judicial circuit of Alabama shall receive a supplemental salary payable in equal monthly installments from the Baldwin County General Fund in the sum of Fifty Four Hundred Dollars (\$5400.00) per year, such supplement shall be paid in lieu of all other supplemental or expense payments heretofore authorized by law.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-322

H. 869—Rep. Cosby

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Billingsley in Autauga County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Beginning at a point on the Township line between Township 19 and 20, said point being the intersection of the West line of the East half of the Southeast Quarter of the Southwest Quarter of Sec-

tion 31, Township 20 North, Range 14 East, with said Township line, also said point being North 53 Degrees and 30 Minutes West and 420 feet from the most Easterly corner of the existing Town limits of the Town of Billingsley, Alabama; thence from said point of beginning, go North along the West line of the East half of the Southeast Quarter of the Southwest and the West line of the East Half of the Northeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 14 East to the Half Section line of said Section; thence East along said Half Section line to the Section line between Sections 31 and 32 in Township 20 North, Range 14 East; thence South along said Section line to the Southeast Corner of Section 31 in Township 20 North, Range 14 East; thence continue South along the Section line between Sections 6 and 5 in Township 19 North, Range 14 East to the South line of the North Half of the Southeast Quarter of the Northeast Quarter of Section 6, Township 19 North, Range 14 East; thence West along the South line of the North Half of the Southeast Quarter of the Northeast Quarter and the South line of the North Half of the Southwest Quarter of the Northeast, and the South line of the North Half of the Southeast Quarter of the Northwest Quarter, all in Section 6, Township 19 North, Range 14 East, to its intersection with the existing boundary of the Town of Billingsley; thence along the existing boundary of the Town of Billingsley North 36 Degrees and 30 Minutes East for a distance of 2110 feet, more or less, to the most Easterly point of the existing boundary of the Town of Billingsley; thence North 53 Degrees and 30 Minutes West for a distance of 420 feet to the Township line and the point of beginning.

Said area to be annexed to the Town of Billingsley to include the following:

The Southeast Quarter, and the East Half of the Northeast Quarter of the Southwest Quarter, and the East Half of the Southeast Quarter of the Southwest Quarter all in Section 31, Township 20 North, Range 14 East; also the North Half of the Northeast Quarter, and the North Half of the Southeast Quarter of the Northeast Quarter, and the North Half of the Southwest Quarter of the Northeast Quarter and a portion of the Northeast Quarter of the Northwest, and a portion of the North Half of the Southeast Quarter of the Northwest Quarter, all lying and being in Section 6, Township 19 North, Range 14 East in Autauga County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-323

H. 875—Rep. Edwards

AN ACT

Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1447, S. 962 of the Regular Session of 1971 (Acts 1971, p. 2471), is hereby amended to read as follows:

“Section 1. (a) Prior to the date of January 1, 1977, and after the date of September 30, 1980, the members of the board of registrars for Wilcox County may, in the discretion of the county governing body, be paid a fee of five dollars for each day they are in session each month, not to exceed 120 days in any year. The fees provided for herein shall be in addition to any compensation paid by the state and shall be payable from the county general fund monthly.

“(b) For the period of time beginning on January 1, 1978, and ending on September 30, 1980, the members of the board of registrars for Wilcox County may, in the discretion of the county governing body, be paid a fee of twenty dollars for each day they are in session each month, not to exceed 120 days in any year. The fees provided for herein shall be in addition to any compensation paid by the state, and shall be payable from the county general fund monthly.”

Section 2. This amendatory Act shall have retroactive effect to January 1, 1977, and all action taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-324

H. 886—Rep. Turner

AN ACT

Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-274, H. 730, 1980 Regular Session (Acts of 1980, p. 362), is amended to read as follows, viz:

“Section 1. In Washington County, notwithstanding any rule or regulation promulgated by the Department of Conservation and Natural Resources to the contrary, it shall be unlawful to hunt unantlered deer. Provided, however, the Commissioner of the Department of Conservation and Natural Resources may permit the hunting of unantlered deer within designated areas where, in the opinion of the Commissioner, it is necessary for game management purposes. The hunting of unantlered deer by means of bow and arrow shall remain entirely within the discretion of the Commissioner of the Department of Conservation and Natural Resources.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-325

S. 116—Messrs. Goodwin and Taylor

AN ACT

To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4-3-47 of the Code of Alabama 1975 is amended to read as follows:

“§ 4-3-47.

“The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

“(1) To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of

incorporation;

“(2) To sue and be sued in its own name in civil actions, excepting actions in tort against the authority;

“(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

“(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

“(5) To acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to manage said property and to develop any property (whether developed or undeveloped) owned, leased or controlled by it;

“(6) To make, enter into, execute and perform such contracts, agreements, leases and other instruments and to take such other action as may be necessary or convenient to accomplish any purpose for which the authority was organized or the exercise of any power granted hereunder;

“(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, including the acquisition, construction, installation, equipment, maintenance and operation at or in connection with or in furtherance of the use of such airports of sanitary and storm sewage systems and water, electric and gas systems, buildings, hangars and other facilities for airlines and the servicing of aircraft or for the comfort, use and accommodation of air travelers and the purchase and sale of such supplies, goods and commodities as are incident to the operation of its airport properties;

“(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known) landing, loading or storage areas and transportation terminals, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision;

“(9) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits or exhibitions or for the conduct of any lawful business, at, upon or adjacent to any air-

port, heliport or aircraft landing area owned or operated by such authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve;

“(10) To furnish or supply upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the authority to persons and aircraft thereon, for reward or compensation, goods, commodities, space, facilities and services convenient or useful to the owners, operators and users of aircraft and to persons upon said airport, heliport or aircraft landing area, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings and structures, parking space for aircraft and automobiles and the services of mechanics, instructors and hostlers;

“(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the authority all or any part of the goods, commodities, things, services and facilities authorized to be supplied by subdivision (10) of this section;

“(12) To acquire, by eminent domain and otherwise establish, construct, expand, own, control, equip, improve, maintain, operate and regulate satellite airports or landing fields for the use of aircraft in the state, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision;

“(13) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports, air navigation facilities and other facilities, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision; provided, however, that the authority shall not acquire or take over any airport or air navigation facility owned or controlled by any county, municipality or public agency of the state, or any one or more thereof, without the consent of such county, municipality or public agency;

“(14) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which may be used or useful for educational facilities, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate schools, institutions of higher learning and other educational facilities upon or ad-

jacent to the properties of the authority and to sell, lease or donate such educational properties;

“(15) To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, property which has been or may be used or useful for housing, apartments and other residential buildings, structures, complexes and projects, to establish, construct, own, maintain, operate, improve, expand, equip, control and regulate such housing and residential facilities upon or adjacent to the properties of the authority and to sell, lease or donate such properties;

“(16) To acquire, by purchase, gift, devise, lease or otherwise, to establish, expand, own, control, equip, improve, maintain, operate and regulate railroads, spur tracks and other railway facilities and equipment on or adjacent to the properties of the authority and to sell or lease such properties;

“(17) To acquire, by purchase, gift, devise, lease, or otherwise, and to operate docks, wharves, maritime warehouses, machinery and equipment and port facilities; provided that such acquisition or operation shall be approved by the Director of the Alabama State Docks Department.

“(18) To issue interest-bearing revenue bonds to provide funds for any corporate function, use or purpose, such bonds to be payable from the limited sources referred to in this article;

“(19) To pledge for payment of such bonds any revenues, rents, receipts and funds from which such bonds are made payable;

“(20) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues, rents, receipts and funds from any air transportation facilities, air navigation facilities or other facilities, or any part thereof, that may be acquired by the authority;

“(21) To exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of this Code with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivisions, including air space, navigation easements, structures and obstructions to flights and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, or sanitary or storm sewage systems or water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport or aircraft landing area or other properties owned or operated by the authority;

“(22) To appoint, employ, contract with and provide for com-

pensation of officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the authority may require, including the power to fix working conditions and other conditions of employment by general rule and, at its option, to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

“(23) To fix, establish, collect and alter landing fees, tolls, rents and other charges for the use of any airport, heliport, landing area, air navigation facility or other facility, building, structure, or property owned or controlled by the authority;

“(24) To make and enforce reasonable rules and regulations governing the use of any airport, heliport, landing area or airport facility or other facility owned or controlled by the authority;

“(25) To provide for such insurance, including but without limitation to, use and occupancy insurance, as the board may deem advisable;

“(26) To invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct, general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America or in bonds of this state or any county or municipality therein or in interest-bearing certificates of deposit of any bank or savings and loan association; provided, that such certificates of deposit are collaterally secured by a pledge of obligations which are direct, general obligations of the United States of America or are unconditionally guaranteed as to both principal and interest by the United States of America;

“(27) To cooperate with the United States of America, the state or any county, city, town, public corporation, agency, department or political subdivision of the state or the United States of America, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

“(28) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful to the authority;

“(29) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any airport, heliport or airport facility, air navigation facility or other facility from the United States of America or any agency thereof and from the state or any department or agency thereof and any political sub-

division thereof, and to receive and accept money, property, labor or other things of value from any source whatever;

“(30) To sell, donate and convey, with or without consideration, any of its properties to any one or more counties, municipalities or public corporations organized and existing under the laws of the state which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxes; provided, that any such conveyance shall not be made without the prior consent of the authorizing subdivision or subdivisions, as evidenced by resolution duly adopted by the governing body thereof, or if any such conveyance would constitute the violation of any then outstanding indenture to which the authority is a party;

“(31) To purchase equipment and supplies necessary or convenient for the exercise of any power of the authority;

“(32) To appoint, employ, contract with and provide for compensation of such security officers and guards as the authority shall deem necessary for the protection of all facilities under the control or supervision of said authority and all persons using such facilities. All such security officers shall be conservators of the peace and shall have and exercise all powers and authorities of peace officers in the state. Jurisdiction over all misdemeanors committed on the property of the authority shall be vested in the district courts of the county that is an authorizing subdivision or, if no county is an authorizing subdivision, in the district court of the county where the misdemeanor occurred; and

“(33) To enter into a management agreement or agreements with any county or municipality in the state for the management by the authority of any airport, heliport, air navigation facility or other facility useful to the authority, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivision, upon such terms and conditions as may be mutually agreeable.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

AN ACT

To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The Wilcox County Commission is hereby authorized to levy a privilege or license tax on all persons, firms and corporations, selling, distributing, or delivering to retailers in Wilcox County, any wine, effervescent or noneffervescent of an alcoholic content not to exceed 24 percent by volume and other mixed alcoholic beverages the content of which does not exceed 17 percent by volume. The rate of this tax shall be in the amount of the following schedule:

a. Any container less than or equal to 1/2 liter (16.9 ounces) shall be taxed at \$.05 per container.

b. Any container greater than 1/2 liter but less than or equal to 1 liter (33.8 ounces) shall be taxed at \$.10 per container.

c. Any container greater than 1 liter but less than or equal to 2 liters (67.6 ounces) shall be taxed at \$.20 per container.

d. Any container greater than 2 liters shall be taxed at \$.20 per container plus an additional \$.10 for each additional liter.

Such tax shall be imposed on all wine sold or distributed in the county, including that sold or distributed within all municipalities located in the county and such tax shall be in addition to all other taxes heretofore levied on the sale and distribution of such beverages in said county.

Section 2. Any privilege or license tax levied by this act shall be collected by or under the supervision of the county commission of Wilcox County. Said commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax levied by this act.

Section 3. Any person, firm or corporation who violates any provision of this act or any rule or regulation adopted pursuant to this act, shall be guilty of a Class B misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense. Any person, firm or corporation who fails to pay the tax herein levied within the time prescribed by such rules and regulations shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together

with interest thereon at the rate of one percent per month or fraction thereof, from the date on which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 4. The proceeds of this tax shall go into the Wilcox County general fund.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 29, 1981 without approval by the Governor.

Act No. 81-327

S. 506—Mr. Higginbotham

AN ACT

To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chattahoochee Valley Hospital Society is hereby exempted from paying any county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-328

S. 507—Messrs. Little and Higginbotham

AN ACT

Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-329

S. 547—Mr. Little

AN ACT

Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-330

S.J.R. 129—Mr. Mitchem

SENATE JOINT RESOLUTION

COMMENDING MRS. DARLENE F. PATTON, PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

WHEREAS, in its desire to honor Alabamians of achievement, the Alabama Legislature today notes the numerous and singular accomplishments of Mrs. Darlene F. Patton of Oneonta, Blount County, Alabama; and

WHEREAS, Mrs. Patton is a graduate of Howard College in Birmingham, now Samford University, from which institution she was awarded a B.S. Degree in Pharmacy and where she was chosen "Miss Howard College"; and

WHEREAS, the present owner and pharmacist of Miller Drug Company in Oneonta, Mrs. Patton also helped establish the pharmacy in Oneonta's Doctors Hospital and worked as a nurses aide when the facility, the city's first hospital, began operation; and

WHEREAS, Mrs. Patton is the wife of Dr. Ira B. Patton, a noted local physician who is a member of the State Board of Health and Medical Examiners and a co-founder of Doctors Hospital, and they are the parents of four sons; Dr. Patton was instrumental in establishing Oneonta's first school and served as the first president of the school board; and

WHEREAS, Mrs. Patton is a past president of the Oneonta P.T.A. and of the Alabama Medical Association's Women's Auxiliary; she was the first woman foreman of a Blount County Grand Jury and, in 1980, became the first woman to serve as president of the Oneonta Chamber of Commerce and only the third woman ever to be elected as a Chamber president in the State of Alabama; and

WHEREAS, during her term as president, a new city directory was published for the first time in 21 years and not only has she

continued the Chamber's numerous projects, but has worked diligently to promote and expand such programs to achieve greater success than ever, such as the city's Christmas Parade and the Chamber's annual awards banquet, featuring Governor Fob James as speaker, with more than 325 in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Darlene F. Patton of Oneonta for outstanding professional and civic achievement and direct that she receive a copy of this resolution that she and her family may know of our sincere appreciation and high regard.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-331

S.J.R. 133— Messrs. Little, Higginbotham, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

WHEREAS, on April 12, 1981, our nation was united in its grief in the loss of Alabama native Joe Louis who died in Las Vegas, Nevada, at the age of 66; and

WHEREAS, born Joseph Louis Barrow near Lafayette in Chambers County, Alabama, and where he spent his early childhood, Joe Louis moved with his family at the age of six to Detroit, Michigan; and

WHEREAS, during his boxing career, which spanned some 17

years, Joe Louis compiled a phenomenal record of 68 wins out of 71 professional bouts and first won the Heavyweight Title by a knockout in 1937 against James J. Braddock; and

WHEREAS, Joe Louis was to successfully defend his title 25 times to remain World Champion some twelve years; and

WHEREAS, once and first beaten in the ring by Max Schmeling of Hitler's Nazi Germany, prior to the 1937 Championship, Joe Louis had his revenge in 1938 in a one-round knockout of Schmeling and of the Furher's emblem of Aryan supremacy; and

WHEREAS, not only did Joe Louis carve for himself a place of prominence in the annals of boxing, but also in the hearts of all Americans and the world; humble in his greatness, he was greatly admired, greatly loved and affectionately known to the world as the "Brown Bomber"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Joseph Louis Barrow, champion in the ring and in his own right as a kind and honorable man and as a truly great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Martha Louis, that she and other family members may know that theirs is a great sorrow shared by all Alabama, our nation and the world.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-332

S.J.R. 134—Mr. Mitchem

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF MAY 31 - JUNE 6, 1981 ALABAMA POULTRY WEEK.

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$700 million annually and accounting for over 30 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Francis Riley, Boaz, Alabama, has served as president of the Alabama Poultry & Egg Association with dedication, honor and utmost ethical standards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31 - June 6, 1981 is hereby declared to be "ALABAMA POULTRY WEEK."

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-333

S.J.R. 137—Mr. Kirkland

SENATE JOINT RESOLUTION

MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

WHEREAS, the crop year of 1980 was so bad in Alabama due to drought conditions that portions of Alabama were declared a disaster area and farmers were thereby entitled to low interest loans because of their financial shape; and

WHEREAS, many farmers throughout the State remain in serious financial condition because of their losses during the crop year 1980; and

WHEREAS, many of these farmers arranged their business and financial affairs based on promises of the Small Business Administration that they were entitled to receive low interest loans due to their crop losses during 1980; and

WHEREAS, many farmers have had their paper work approved for these loans; and

WHEREAS, these farmers are now being informed by the Small Business Administration acting under Reagan administration policies that they will not now be granted these loans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do memorialize the Reagan administration, the United States Congress and the Small Business Administration that they are honor bound to live up to the promises made to Alabama farmers who were promised low interest loans because of the disastrous crop year of 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Secretary of the Senate to the head of the Small Business Administration and the Alabama Congressional Delegation, as well as President Reagan in Washington, D. C.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-334

S.J.R. 139—Mr. White

SENATE JOINT RESOLUTION

COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

WHEREAS, inconceivably to the members of this body and to all loyal Americans, former F.B.I. agents, W. Mark Felt and Edward S. Miller, were convicted in 1980 on charges of conspiring to violate civil rights; and

WHEREAS, in fact, agents Felt and Miller clearly acted in the best interest of our country in authorizing warrantless searches of the homes of members, supporters and relatives of the Weather Underground Organization, a group of radical terrorists responsible for over fifty bombings including bombings of the United States Capitol Building, the Pentagon and the State Department; and

WHEREAS, terrorists of the WUO were known to have worked in close collaboration with Cuba, North Vietnam and the Viet Cong and these radicals also were known to have been trained in guerilla tactics in Cuba by those under direct control of the Soviet KGB; and

WHEREAS, as a result of delays on the part of our government, it was several years, from indictment, before Agents Felt and Miller were found "guilty"; this long ordeal resulted in legal costs in excess of one million dollars for the defendants and it cost the American

taxpayers an estimated \$30 million; and

WHEREAS, it is extremely doubtful that two loyal Americans, such as Mr. Felt and Mr. Miller, would have ever been found guilty had it not been for judicial error in charging and instructing the jury under regulations promulgated in 1976 and 1980 for action undertaken in 1972 and 1973 and in accordance with accepted procedures at that time; and

WHEREAS, our hearts have at last been gladdened and filled with pride by the action of our President on March 26, 1981, who granted unconditional pardon to two Americans who, for decades, faithfully served and defended our nation against attack from within by those who would destroy our freedom and even our very lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That hereby, in gratitude and jubilation, we most highly commend our President of the United States, Ronald Reagan, for his Presidential Pardon of W. Mark Felt and Edward S. Miller.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to notify President Reagan, by copy of this resolution, of the Alabama Legislature's sincere praise and heartfelt concurrence in his courageous and patriotic decision.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-335

S.J.R. 142—Mr. Pearson

SENATE JOINT RESOLUTION

HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

WHEREAS, Dr. Saunders Earl Walker, who is a native of Birmingham, Alabama, and a product of that city's public schools, holds a Bachelor's Degree from Talladega College, Master's Degrees in English and in Speech and Theatre from the University of Michigan and a Ph.D. Degree in English from Western Reserve College; contingent on completion of his dissertation, Dr. Walker will receive a Ph.D. Degree also in Speech, and has completed post-graduate and Fellow-

ship studies at Harvard, Yale and Banff School of Fine Arts; and

WHEREAS, a Professor of English and Speech at Miles College in Birmingham, Dr. Walker also has distinguished himself as a speaker, as poetry lecturer and reader, editor and as an author, and he has been honorably cited by the Alabama Writer's Conclave for short stories; and

WHEREAS, Dr. Walker also is a member of the Advisory Board of the Down Home quarterly journal and is a repeat winner in the Birmingham Beautification Board's Annual Awards Program; and

WHEREAS, he has received several awards from Fort Valley State College, the Ira Aldridge Award for distinguished service in the performing arts, and numerous other citations for outstanding achievement and accomplishment; and

WHEREAS, Dr. Walker, who is listed in the Dictionary of American Scholars, Outstanding Educators of America and Dictionary of International Biography, is also a 1980 nominee for the Man of the Year Award of the Young Men's Business Club; and

WHEREAS, his activities extend further to include hobbies of landscaping, interior decorating, flower gardening, swimming, league bowling and music, the latter through accomplished mastery of the organ and his love of devotional music which he generously shares with others, including inmates at Jefferson County Jail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Saunders Earl Walker for outstanding achievement and direct that a copy of this resolution be sent to him to share with his wife, Dr. Emma Walker, and their daughter, Mrs. Sandra Walker Moore, that they all may know of our high praise and esteem.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-336

S.J.R. 144—Mr. Pearson

SENATE JOINT RESOLUTION

HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

WHEREAS, Dr. Emma Mills Clement Walker, a native North Carolinian and now a resident of Birmingham, Alabama, is a promi-

ment educator whose professional career spans more than five decades from her days as a practice teacher until the present in her position as Professor of Writing at Miles College in Birmingham; and

WHEREAS, Dr. Walker is a graduate of Livingstone College with a major in English and she received her Master's Degree from Atlanta University and her Ph.D. Degree from Ohio State University; she also studied additionally on the graduate level at Louisville Municipal College and at Indiana University; and

WHEREAS, she has been associated variously and in responsible capacities through the years with Fort Valley State College, the University of Tennessee, Tuskegee Institute, Dinwiddie Normal and Kentucky State College, as well as with high schools in North Carolina, Kentucky and Georgia; and

WHEREAS, Dr. Emma Walker is additionally and professionally experienced in the areas of public information, journalism, crafts, youth services and recreation, has participated in numerous workshops and clinics, serving as advisor, consultant, sponsor, lecturer and director; and

WHEREAS, she further has engaged in several fields of research, is the recipient of many outstanding awards and honors and is listed in some seven publications of distinguished citizens of achievement; and

WHEREAS, Dr. Walker holds membership in more than two dozen prestigious organizations, providing leadership through office and other administrative capacities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Emma Clement Walker for outstanding achievement and direct that she receive a copy of this resolution evidencing to her, her husband, Dr. Saunders Earl Walker, and to their daughter, Mrs. Sandra Walker Moore, our high regard for Dr. Walker's accomplishments.

Approved April 27, 1981

Time: 6:00 P.M.

Act No. 81-337

H. 217—Reps. Johnson (R.G.), Carothers

AN ACT

To be known as a Third Party Prescription Program Act, establishing the rights

and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This act shall be known and may be cited as the Third Party Prescription Program Act.

Section 2. Definitions.

As used in this Act, the term "third party prescription program" shall mean any system of providing for the reimbursement of pharmaceutical services under a contractual arrangement or agreement between a provider of such services and another party who is not the consumer of those services. Such programs may include, but not be limited to, employee benefit plans whereby a consumer receives prescription drugs or other pharmaceutical services and those services are paid for by an agent of the employer or others.

Section 3. Required Contractual Provisions.

Any agreement or contract entered into in this state between the program administrator of a third party program and a pharmacy shall include a statement of the method and amount of reimbursement to the pharmacy for services rendered to persons enrolled in the program, the frequency of payment by the program administrator to the pharmacy for such services rendered, and a method for the adjudication of complaints or the settlement of dispute between the parties.

Section 4. Cancellation; Use of Identity Card after Cancellation.

(a) The Administrator of a program shall notify all pharmacies enrolled in said program of any cancellation of coverage of benefits of any group enrolled in the program at least 30 days prior to the effective date of such cancellation.

(b) All persons enrolled in a program shall be notified of its cancellation, and the administrator of the program shall make every reasonable effort to gain possession of any plan identification cards such persons may have been issued pursuant to the provisions of the program.

(c) Any person who utilizes a program identification card to obtain services from a pharmacy after having received notice of the cancellation of his benefits shall be liable to the program administra-

tor for all money paid by the program administrator for any services received pursuant to the illegal use of said identification card.

Section 5. Denial of Payment.

(a) No program administrator shall deny payment for services to any pharmacy which may have resulted from the fraudulent or illegal use of any identification card by any person unless the pharmacy has been notified that the card has been canceled or discontinued and that the program administrator has been unsuccessful in attempting to regain possession of the card.

(b) No program administrator shall withhold any payments to any pharmacy beyond the time period specified in the payment schedule provisions of the agreement, except that individual claims for payment may be returned to the pharmacy for reasons such as incomplete or illegible information and may then be resubmitted by the pharmacy to the program administrator after appropriate corrections have been made.

Section 6. Reimbursement Rates.

No agreement between a program administrator and a pharmacy shall establish reimbursement rates or procedures that result in reimbursement rates for services rendered to persons covered by the plan which are less than the usual and customary rates paid by consumers not covered by a third party plan for the same or similar services.

Section 7. Exception.

This act shall not apply to any services rendered pursuant to provisions of the Alabama Medicaid Program.

Section 8. Notice.

After the effective date of this Act, no third party prescription programs shall be instituted in this state unless:

(a) the program administrator has given written notice of the provisions of the particular program to all pharmacies in this State as defined in 34-23-1 of the Code of Alabama 1975.

(b) all pharmacies in this State as defined by 34-23-1 of the Code of Alabama 1975, have had 30 days from the date of said notice to enroll in that particular program.

Section 9. Severability.

Provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 10. Conflicting Laws.

All laws and parts of laws in conflict with this Act are hereby repealed.

Section 11. Effective Date.

This Act shall become effective sixty (60) days after its passage and approval by the Governor or upon its otherwise becoming a law. After the effective date of this Act, no third party prescription program shall be instituted, nor shall existing agreement or contract be renewed unless they are in compliance with the provision of this Act.

Approved April 28, 1981

Time: 2:15 P.M.

Act No. 81-338

H. 357—Reps. Roberts, Patton

AN ACT

To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and

any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. It is the intent of the Legislature by the passage of this Act to promote the public health of the people of the State of Alabama by authorizing each County and any Municipality located in such County to act jointly in authorizing the incorporation of one or more public corporations for the purpose of providing public hospital facilities in such County and to invest each corporation so organized with all powers that may be necessary to enable it to accomplish such purpose. This Act shall be liberally construed in conformity with said intent.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein and shall, except where the context otherwise requires, be deemed to cover both singular and plural:

“Alternating Director” means the Director initially elected by the Governing Body of the Authorizing Municipality and thereafter alternately by the Governing Bodies of the Authorizing County and the Authorizing Municipality.

“Applicant” means a natural person who files a written application with the Governing Body of any County and with the Governing Body of any Municipality located wholly or partially within such County in accordance with the provisions of Section 3 hereof.

“Authorizing County” means any County the Governing Body of which shall have adopted an Authorizing Resolution.

“Authorizing Municipality” Means any Municipality the Governing Body of which shall have adopted an Authorizing Resolution.

“Authorizing Resolutions” means the resolutions, adopted by the Governing Bodies of any County and Municipality in accordance with the provisions of Section 3 hereof, that authorize the incorporation of a Corporation.

“Authorizing Subdivisions” means the Authorizing County and the Authorizing Municipality with respect to a single Corporation.

“Board” means the board of directors of a Corporation.

“Bonds” means and shall include bonds, notes and certificates representing an obligation to pay money.

“Corporation” means any public corporation organized pursuant to the provisions of this Act.

“County” means any county in the State.

“Designated Revenues” means such Hospital Taxes and other revenues from which any particular Bonds of a Corporation may be payable, as designated in the proceeding of the Board of such Corporation authorizing the issuance of such Bonds.

“Director” means a member of the Board of a Corporation.

“Federal Securities” means (a) direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America is pledged, or (b) obligations issued by a person controlled or supervised by and acting as an instrumentality of the United States of America, the payment of the principal of, premium, if any, and interest on which is fully and unconditionally guaranteed as a full faith and credit obligation by the United States of America.

“Governing Body” means, with respect to a County, its county commission or other like governing body, and with respect to a Municipality, its city or town council, board of commissioners, or other like governing body.

“Hospital Facilities” means (a) public hospitals of all types, public clinics, public health centers and related public health facilities, such as laboratories, out-patient departments, nurses homes and nurses training facilities and central service facilities operated in connection with public hospitals; (b) appurtenant buildings and other facilities to provide offices for persons engaged in the diagnosis, treatment or care of diseased, sick or injured persons and to house or service equipment used for the diagnosis, treatment or care of diseased, sick or injured persons or the records of such diagnosis, treatment or care or research with respect to any of the foregoing; and (c) parking areas, parking decks, facilities, buildings and structures appurtenant to any of the foregoing.

“Hospital Tax” means any taxes which may be levied for the benefit of a Corporation or the proceeds of which may have been appropriated to a Corporation by the legislature of the State or by the Governing Body of an Authorizing Subdivision.

“Incorporators” means the persons forming a public corporation organized pursuant to the provisions of this Act.

“Municipality” means an incorporated city or town of the State.

“Principal Office” means the place at which the certificate of

incorporation and amendments thereto, the by-laws and the minutes of the proceedings of the Board of a Corporation are kept.

“State” means the State of Alabama.

Section 3. Filing of Applications; Authorization of Incorporation by Governing Bodies of Authorizing Subdivisions. A public corporation may be organized pursuant to the provisions of this Act in any County. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of a County, shall first file a written application with the Governing Body of such County and with the Governing Body of any single Municipality located wholly within such County, which application shall:

- (1) Recite the names of the County and the Municipality with the Governing Bodies of which such application is being filed;

- (2) Contain a statement that the Applicants purpose to incorporate a Corporation pursuant to the provisions of this Act;

- (3) State the proposed location of the Principal Office of the Corporation, which shall be within the County with whose Governing Body such application is filed;

- (4) State that each of the Applicants is a duly qualified elector of the County with whose Governing Body such application is filed; and

- (5) Request that the Governing Body of such County and the Governing Body of such Municipality each adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Corporation be formed and authorizing the Applicants to proceed to form the proposed Corporation by the filing for record of a certificate of incorporation in accordance with the provisions of Section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the Applicants may consider appropriate. As promptly as may be practicable after the filing of the application with them in accordance with the provisions of this section, the Governing Bodies of the Municipality and the County with which the application was filed shall each review the contents of the application, and shall each adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Corporation be formed and authorizing the Applicants to proceed to form the proposed Corporation by the filing for record of a certificate of incorporation in accordance with the provisions of Section 4 hereof. Each Governing Body with which the application is filed shall also

cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon said application is taken.

Section 4. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within eighty (80) days following the adoption of the first adopted of the two Authorizing Resolutions required by the provisions of Section 3 hereof and within forty (40) days following the adoption of the last adopted of the said two Authorizing Resolutions, the Applicants may proceed to incorporate a Corporation by filing for record in the office of the Judge of Probate of the Authorizing County a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of the incorporation of the Corporation shall state:

(1) The names of the persons forming the Corporation, and that each of them is a duly qualified elector of the Authorizing County;

(2) The name of the Corporation (which shall be “_____ County-City (Town) of _____ Joint Hospital Board,” with the insertion of the names of the Authorizing County and the Authorizing Municipality, unless the Secretary of State shall determine that such name is identical to the name of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty, in which case the Incorporators may insert additional identifying words so as to eliminate said duplication or similarity);

(3) The period for the duration of the Corporation (if the duration is to be perpetual, subject to the provisions of Section 19 hereof, that fact shall be stated);

(4) The name of the Authorizing County together with the date on which the Governing Body thereof adopted an Authorizing Resolution;

(5) The name of the Authorizing Municipality together with the date on which the Governing Body thereof adopted an Authorizing Resolution;

(6) The location of the Principal Office of the Corporation, which shall be within the Authorizing County;

(7) That the Corporation is organized pursuant to the provisions of this Act; and

(8) Any other matters relating to the corporation that the

Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the Governing Bodies of the Authorizing Subdivisions in accordance with the provisions of Section 3 hereof, (b) a certified copy of each of the Authorizing Resolutions adopted by the Governing Bodies of the Authorizing Subdivisions, and (c) a certificate by the Secretary of State that the name proposed for the Corporation is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Corporation shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon record said certificate of incorporation in an appropriate book in his office and send a notice to the Secretary of State that said certificate of incorporation of the Corporation has been filed for record.

Section 5. Amendments to Certificate of Incorporation. The certificate of incorporation of any Corporation incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters that might have been included in the original certificate of incorporation.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of the Corporation, the chairman of the Board and the secretary of the Corporation shall sign and file a written application in the name of and on behalf of the Corporation, under its seal, with the Governing Body of each of the Authorizing Subdivisions, requesting each such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the Governing Body of each of the Authorizing Subdivisions pursuant to the foregoing provisions of this section, each such Governing Body shall review the

said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Each such Governing Body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon the said application is taken.

Within eighty (80) days following the adoption of the first adopted of the two resolutions of the Governing Bodies of the Authorizing Subdivisions approving the proposed amendment and within forty (40) days following the adoption of the last adopted of the said two resolutions, the chairman of the Board of the Corporation and the secretary of the Corporation shall sign and file for record in the office of the Judge of Probate with which the certificate of incorporation of the Corporation was originally filed a certificate in the name of and in behalf of the Corporation, under its seal, reciting the adoption of said respective resolutions by the Directors and by the said Governing Bodies of the Authorizing Subdivisions and setting forth the said proposed amendment. The Judge of Probate for such County shall thereupon record said certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of a Corporation shall be amended except in the manner provided in this section.

Section 6. Board of Directors. Each Corporation shall be governed by a board of directors. All powers of the Corporation shall be exercised by the Board or pursuant to its authorization. The Board shall consist of five (5) Directors. One Director (the Alternating Director) shall be elected initially by the Governing Body of the Authorizing Municipality and thereafter alternately by the Governing Bodies of the Authorizing County and the Authorizing Municipality. Two Directors shall be elected by the Governing Body of the Authorizing County and Two Directors shall be elected by the Governing Body of the Authorizing Municipality. The initial term of office of the Alternating Director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on the third January 1 following the date of filing of the certificate of incorporation of the Corporation. Thereafter, the term of office of the Alternating Director shall be three years. The initial terms of office of one Director elected by the Governing Body of the Authorizing County and one Director elected by the Governing Body of the Authorizing Municipality shall begin immediately upon their respective elections and shall end at 12:01 o'clock, A.M., on the third January 1 following the date of filing of the certificate of incorporation of the Corporation. The initial terms of office of one Director elected by the Governing Body of the Autho-

rizing County and one Director elected by the Governing Body of the Authorizing Municipality shall begin immediately upon their respective elections and shall end at 12:01 o'clock, A.M., on the sixth January 1 following the date of filing of the certificate of incorporation of the Corporation. Thereafter, the term of office of each such Director (excluding the Alternating Director) shall be six years. The Governing Body of each of the Authorizing Subdivisions shall specify for which term each Director it elects is elected. If at the expiration of any term of office of any Director, a successor thereto shall not have been elected, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the Governing Body of that one of the Authorizing Subdivisions that elected the predecessor Director. Each election of a Director, whether for a full six-year term or to complete an unexpired term, shall be made not earlier than thirty (30) days prior to the date on which such Director is to take office as such. No officer of the State or of any County or Municipality shall, during his tenure as such officer, be eligible to serve as a Director. Each Director elected by the Authorizing County must be, at the time of his election, a duly qualified elector of the Authorizing County. Each Director elected by the Authorizing Municipality must be, at the time of his election, a duly qualified elector of the Authorizing Municipality. The Alternating Director must also be, at the time of his election, a physician duly licensed to practice medicine in the State. Directors shall be eligible for re-election. Each Director shall serve as such without compensation but shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director of the Corporation may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 7. Powers of Corporation. In addition to all other powers granted elsewhere in this Act, a Corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 19 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, construct, equip, enlarge, improve, maintain and operate Hospital Facilities in the Authorizing County and to do all things necessary to that end;

(6) To receive, acquire, take and hold, whether by purchase, gift, lease, devise, or otherwise, real and property of every description and to manage and dispose of the same by any form of legal conveyance or transfer; provided, however, that the Corporation shall not, without the prior approval of the Governing Bodies of the Authorizing Subdivisions, have the power to dispose of substantially all of its assets or of any Hospital Facilities the disposition of which would materially reduce or impair the level of hospital or health care services rendered by the Corporation;

(7) To provide instruction for, and to contract for the instruction of, nurses and other technical, professional and paramedical personnel;

(8) To select and appoint medical staff and dental staff members and others licensed to practice the healing arts and to delineate and define the privileges granted each such individual;

(9) To affiliate with, and contract to provide training and clinical experience for, students of other institutions;

(10) To rent, lease or contract for the operation of any department, section, equipment or holdings of the Corporation;

(11) To establish, collect and alter charges for services rendered and supplies furnished by it;

(12) To make all needful or appropriate rules and regulations for the conduct of any Hospital Facilities owned or operated by it and to alter such rules and regulations;

(13) To provide for such insurance as the business of the Corporation may require;

(14) To cooperate with the State Board of Health and the State Department of Mental Health and to make contracts with either of said agencies respecting the operation of any Hospital Facilities owned or operated by it;

(15) To receive and accept grants from the United States of America, the State and any County or Municipality, and from any agency or instrumentality of any of the foregoing, and to give such assurances, contractual or otherwise, to or for the benefit of any such grantor as may be required in connection with, or

as a precedent to, the receipt of any such grant;

(16) To give such assurances, contractual or otherwise, and to make such commitments and agreements as may be necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title to, any of its Hospital Facilities or other property or any Hospital Facilities or other property proposed to be acquired by it;

(17) To make and alter rules and regulations for the treatment of indigent patients;

(18) To assume any obligations of any entity that conveys and transfers to the Corporation any Hospital Facilities or other property, or interest therein, provided that such obligations appertain to the Hospital Facilities, property or interest so conveyed and transferred to the Corporation;

(19) To assume, establish, fund and maintain retirement, pension or other employee benefit plans for its employees;

(20) To borrow money in order to provide funds for any lawful corporate function, use or purpose and, in evidence of such borrowing, to issue and secure Bonds in the manner provided and subject to the limitations set forth in Sections 8 and 15 hereof;

(21) To appoint, employ, contract with, and provide for the compensation of, such officers, employees, agents, attorneys, consultants and fiscal advisers as the business of the Corporation may require;

(22) To invest or cause to be invested any funds of the Corporation (including, without limitation, funds held in any trust created by the Corporation) in Federal Securities, bonds or other obligations of the State, any County or any Municipality, and interest bearing bank and savings and loan association deposits, or any thereof, and to enter into, or cause to be entered into, repurchase agreements with respect to any of the foregoing;

(23) To enter into management agreements with any person, firm or corporation for the management by said person, firm or corporation on behalf of the Corporation of any of its properties;

(24) To expend its funds for the recruitment of physicians and employees and for the promotion of employee morale and well-being; and

(25) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any

purpose for which the Corporation was organized or to exercise any power expressly granted hereunder.

Section 8. Bonds of a Corporation. (a) **Source of Payment.** All Bonds issued by a Corporation shall be payable solely from one or more of the following sources as may be designated in the proceedings of the Board under which such Bonds shall be authorized to be issued: (1) Hospital Taxes; and (2) revenues from any Hospital Facilities owned or operated by it.

(b) **Pledge of Revenues and Other Security.** The principal of and interest on any Bonds issued by a Corporation shall be secured by a pledge of the Designated Revenues and may be secured by a trust indenture evidencing such pledge or by a non-foreclosable mortgage and deed of trust conveying as security for such Bonds all or any part of the property of the Corporation from which any part of the Designated Revenues so pledged may be derived. The resolution of the Board under which the Bonds are authorized to be issued or any such trust indenture or mortgage may contain agreements and provisions respecting the application of the proceeds of such Bonds, the maintenance and insuring of properties of the Corporation, the application of the Designated Revenues, the creation and maintenance of special funds from the Designated Revenues, the maintenance of rates and charges for services and goods provided through any of the Hospital Facilities of the Corporation, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such resolution or instrument is adopted or made, the rights and remedies available in the event of default and such other agreements and provisions as the Board shall deem advisable and which are not in conflict with the provisions of this Act.

(c) **Execution.** All Bonds by a Corporation shall be signed by the chairman of its Board and attested by its secretary, and the seal of the Corporation shall be affixed thereto, and any interest coupons applicable to the Bonds of the Corporation shall be signed by the chairman of its Board; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Corporation may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of the Board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) **General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds.** Any such Bonds may be executed and delivered by the Corporation at any time and from time to time, shall be in such form and denominations and of such tenor

and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board. Bonds of the Corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board to be most advantageous. The Corporation may pay all expenses, premiums and commissions in connection with any financing done by it. All Bonds, except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Corporation shall be construed to be negotiable instruments although payable solely from a specified source.

(e) **Nature of Obligation and Source of Payment.** All obligations created and all Bonds issued by the Corporation shall be solely and exclusively an obligation of the Corporation and shall not create an obligation or debt of the State or of any County or Municipality. Any Bonds issued by the Corporation shall be limited or special obligations of the Corporation payable solely out of the Designated Revenues specified in the proceedings authorizing those Bonds.

(f) **Eligibility for Investment.** The Governing Body of any County or Municipality is authorized in its discretion to invest in Bonds of the Corporation any idle or surplus money held in its treasury. Such Bonds are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

Section 9. **Proceeds from the Sale of Bonds.** All moneys derived from the sale of any Bonds issued by a Corporation shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the establishment of reserve funds as security for the payment of the principal of (and premium, if any) and interest on such Bonds and funds for the maintenance, repair, replacement, improvement and enlargement of any of its Hospital Facilities or other properties, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, consulting, legal and other expenses incurred in connection with the issuance of the Bonds, and (2) interest to accrue on such Bonds for a period ending not later than three (3) years from their date.

Section 10. **Refunding Bonds.** Any Bonds issued by a Corporation may from time to time be refunded by the issuance, by sale

or exchange, of refunding Bonds payable from the same or different Designated Revenues for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Corporation at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds to be refunded. Any such refunding Bonds may be executed and delivered by the Corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rates or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board. Any refunding Bonds issued by a Corporation shall be issued and may be secured in accordance with the provisions of Section 8 of this Act.

Section 11. Exemption from Taxation. The property and income of a Corporation, all Bonds issued by a Corporation, the income from such Bonds, conveyances by or to a Corporation, and leases, mortgages and deeds of trust or trust indentures by or to a Corporation shall be exempt from all taxation in the State of Alabama. A Corporation shall be exempt from all taxes levied by any County, Municipality, or other political subdivision of the State, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which a Corporation may engage. A Corporation shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any County in respect of its incorporation, the amendment of its certificate of incorporation or the recording of any document.

Section 12. Liability of Authorizing Subdivisions. Neither of the Authorizing Subdivisions shall be liable in any manner for the payment of the principal of or interest on any Bonds of a Corporation or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by a Corporation, and neither the Bonds of a Corporation nor any of its agreements or obligations shall be construed to constitute an indebtedness of

either of the Authorizing Subdivisions within the meaning of any constitutional or statutory provision whatsoever.

Section 13. Exemption from Usury and Interest Laws. A Corporation shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

Section 14. Power of Eminent Domain. A Corporation shall have the same power of eminent domain as is vested by law in its Authorizing County, which power shall be exercised in the same manner and under the same conditions as are provided by law for the exercise of the power of eminent domain by such Authorizing County.

Section 15. Application to Corporations of Certain Provisions of Title 22 of the Code of Alabama of 1975 Pertaining to Special Hospital Taxes. A Corporation shall constitute a "Hospital Corporation" as that term is used in Sections 22-21-101, 22-21-102 and 22-21-106 of the Code of Alabama of 1975, as now or hereafter amended. Without limiting the generality of the foregoing, any Corporation may be designated by its Authorizing County as the agency of such County to acquire, construct, equip, operate and maintain public hospital facilities in such County, in the manner and with the consequences specified in said Section 22-21-101, shall, if so designated, receive hospital taxes referred to in said Section 22-21-102 to the extent and in the manner provided in said section, and shall be entitled to anticipate the proceeds of any special county tax in the manner and to the extent specified in said Section 22-21-106. Nothing in this section shall be construed in any manner to limit any rights or powers otherwise conferred upon a Corporation pursuant to any other provision of this Act, and the provisions of Sections 22-21-107, 22-21-108, 22-21-109 and 22-21-110 of said Code shall not apply to a Corporation.

Section 16. Application to Corporations of Certain Provisions of Title 11 of the Code of Alabama of 1975 Pertaining to Tort Claims and Judgments Against Local Governmental Entities. A Corporation shall constitute a "Governmental Entity" as that term is used in Section 11-93-2 of the Code of Alabama of 1975, as now or hereafter amended, and any damages recoverable against, and any settlement or compromise made by, a Corporation shall be limited as provided in said Section 11-93-2.

Section 17. Transfer of Funds and Assets by Counties and Municipalities. The Authorizing County, any Municipality located, in whole or in part, within such County, whether or not the Authorizing Municipality, and any public corporation in such County and

any other public agency, authority or body, whether or not incorporated, located or having its principal office in such County are hereby authorized to transfer and convey to the Corporation, with or without consideration, any Hospital Facilities and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any Hospital Facilities that may be owned by such County, Municipality, public corporation or public agency, authority or body, as the case may be, or that may be jointly owned by any one or more thereof, and any funds owned or controlled by such County, Municipality, public corporation or public agency, authority or body, as the case may be, or jointly by any one or more thereof, that may have been raised or allocated for any of the purposes for which the Corporation shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the Governing Body of such County or Municipality or by the governing board of such public corporation or public agency, authority or body, as the case may be. In the event of the transfer of any Hospital Facilities to the Corporation, any taxes, tax proceeds and other revenues that are apportioned or allocated to or for the benefit of the prior owner or operator of such Hospital Facilities or for patient care at such Hospital Facilities shall thereafter be paid to the Corporation.

Section 18. Earnings of a Corporation. A Corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event its Board shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of a Corporation, then any portion (as determined by its Board) of the net earnings of a Corporation thereafter accruing may be paid to its Authorizing Subdivisions in equal shares.

Section 19. Dissolution of the Corporation and Vesting of Title to Property in Authorizing Subdivisions. At any time when a Corporation has no Bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Judge of Probate with which the Corporation's certificate of incorporation is filed, the Corporation shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the Authorizing Subdivisions as tenants in common.

Section 20. Multiple Corporations Permitted. The existence of a Corporation incorporated under the provisions of this Act shall not

prevent the subsequent incorporation hereunder of another Corporation pursuant to authority granted by the same County and Municipality or by the same County and a different Municipality.

Section 21. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 22. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 23. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 29, 1981 without approval by the Governor.

Act No. 81-339

H.J.R. 253—Rep. Dial

HOUSE JOINT RESOLUTION

COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

WHEREAS, Cragford Bridge in Clay County, Alabama, was completed in 1976, at a cost of \$940,000, during the tenures of Probate Judge J. B. Toland and Clay County Commissioners Sterl Jordan, Norwood Denny, Otho Catchings and Horace Brooks; and

WHEREAS, replacing an existing bridge in a dangerous state of disrepair, the Cragford Bridge, upon completion, provided residents of the county with much needed and safe access within the area; and

WHEREAS, Judge Toland and the commissioners then in office are indeed to be commended for their leadership in the completion of Cragford Bridge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Probate Judge J. B. Toland and the Clay County Commissioners who were in office in 1976: Sterl Jordan, Norwood Denny, Otho Catchings and Horace Brooks.

BE IT FURTHER RESOLVED, That the governing body of Clay County cause to be erected and maintained at the Cragford Bridge site a plaque which will advise that said bridge project was completed during the tenures of the above named individuals.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Judge Toland and to Commissioners Jordan, Denny, Catchings and Brooks that they may be aware of the Legislature's desire that they be recognized for their leadership and achievement.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-340

H.J.R. 264— Reps. McCorquodale, Mitchell,
Barton, Smith(C)

HOUSE JOINT RESOLUTION

HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

WHEREAS, since 1961 Mr. Thomas J. Joiner has been associated with the Geological Survey of Alabama, first joining the staff as Chief of the Paleontology, Stratigraphy and Geophysics Division, later to be named assistant state geologist, a position he held for eight years; and

WHEREAS, Mr. Joiner, for the past six years, has rendered extraordinary service to the State of Alabama in his capacity as State Geologist and in which post he has become noted for administrative excellence in directing the numerous programs of the Survey; and

WHEREAS, in addition to his weighty responsibilities as State Geologist, Mr. Joiner has served as a member of the Outer Continental Shelf Policy Advisory Committee of the United States, Department of the Interior; he further has served on numerous other boards and committees, both within and outside our state, enhancing the prestige of the Geological Survey of Alabama and the State Oil and Gas Board which he also supervises; and

WHEREAS, effective April 30, 1981, Mr. Joiner will be leaving his state posts to accept a position in private enterprise, related to his field in which he is an acknowledged expert; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Thomas J. Joiner for outstanding service to the State of Alabama and wish him every future success in his endeavors.

BE IT FURTHER RESOLVED, That Mr. Joiner receive a copy of this resolution in token of our sincere gratitude and also that he may know of our warm best wishes for continuing success.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-341

H.J.R. 267— Reps. Manley, Roberts, Rains, Adams (H), Bennett, Bowling, Brakefield, Carothers, Carter, Crow, Dial, Drinkard, Gilmer, Grimsley, Grouby, Harper (O), Harvey, Naramore, Olive, Payne, Penry, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Trammell, Williams

HOUSE JOINT RESOLUTION

HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

WHEREAS, the United States of America is a union dedicated to the common goal of freedom at home and abroad; and

WHEREAS, the United States Marine Corps has, for 205 years, been a significant force in the struggle toward the realization of that common goal; and

WHEREAS, the State of Alabama has had thousands of its sons and daughters serve through the years in both the Regular and Reserve components of the United States Marine Corps; and

WHEREAS, in war and peace these men and women have duly earned the title "UNITED STATES MARINE" — a title synonymous with duty, honor and country, symbolized by their motto "Semper Fidelis" (Always Faithful); and

WHEREAS, April 20-22, 1981, the 4th Marine Air Wing Band

will be participating in concerts across the State of Alabama in commemoration of the United States Marine Corps Regular and Reserve Forces; and

WHEREAS, it is altogether fitting and proper that we honor the United States Marine Corps and all Marines who have served during its long and illustrious history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to the United States Marine Corps and in honor of those men and women who have served in the Corps to preserve the freedom and peace of our great nation.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to prepare copies of this resolution for presentation to the Director of the 4th Marine Air Wing Band and to the Inspector-Instructor of Detachment L Company, 3rd Battalion, 23rd Marines, 4th Marine Division, Montgomery, Alabama.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-342

H.J.R. 271—Reps. Greer, Coburn, Starkey

HOUSE JOINT RESOLUTION

COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Miss Pamela Phillips of Lauderdale County High School has recently been named to the John Phillip Sousa National Honor Band, and will participate in the Washington, D. C. festivities commemorating the 100th anniversary of John Phillip Sousa's tenure as renowned Director of the United States Marine Corps Band; and

WHEREAS, Miss Phillips, the daughter of Mr. and Mrs. Roy Phillips of Rogersville, is a high school senior who is a seven-year participant in her school's band program and a member of the band for six years; and

WHEREAS, Pamela Phillips, an extraordinarily talented young musician, plays clarinet and also plays alto saxophone in her school's Stage Band; and

WHEREAS, it is indeed an honor for Pamela to be selected to the John Phillip Sousa National Honor Band which is composed of

only one hundred students, nationwide, with only three participating from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in personal pride in her accomplishment, we most highly commend and congratulate Miss Pamela Phillips as a member of the John Phillip Sousa National Honor Band.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Phillips, with a copy also provided for Mr. Douglas Cantrell, Band Director, Lauderdale County High School.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-343

H.J.R. 283—Rep. Waggoner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. CHARLES R. BYRD PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. Charles Richard Byrd of Birmingham, Alabama, on April 16, 1981, at the age of 85; and

WHEREAS, Mr. Byrd, though a native of Ozark, had been a resident of Birmingham since 1912, entering the real estate business in that city in 1920, following service in the United States Army during World War I; and

WHEREAS, in 1946, his company which he had founded in 1924, Byrd Real Estate Company, purchased the land that is now Vestavia Hills, anticipating at the time a new community of some 4,000 people which today, in actuality, is a city of approximately 14,000 residents; and

WHEREAS, as a prominent developer, Mr. Byrd numbered among his accomplishments the development of two Holiday Inns in Birmingham, Havenwood subdivision, Tyler Road Estates and portions of English Village and Mountain Brook Village, as well as some of the first condominiums and garden apartments in the United States and several Birmingham area office and apartment buildings; and

WHEREAS, Mr. Byrd's professional affiliation and service in-

cluded the past presidency of the Birmingham Area Board of Realtors, past president of the Birmingham Association of Homebuilders, and a director of both the Alabama Association of Realtors and American Life Insurance Company; and

WHEREAS, he also had earned numerous other honors, both for professional achievement and for civic involvement, which included membership in the Birmingham Area Chamber of Commerce, Jefferson County Board of Health Advisory Committee, Vestavia Beautification Committee and the Vestavia Hills Art Association; and

WHEREAS, the Vestavia Dogwood Trail and Avenue "G" White Way were also realized through the efforts of Mr. Byrd whose loss to the community has left a great void in the lives of all those who have benefitted from his care and concern for his beloved Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Charles R. Byrd and, in shared sorrow, extend our sincere sympathy to his wife, Mrs. Charles R. Byrd, to their daughter, Mrs. John M. Jones, and sons, William W. Byrd and C. Richard Byrd, Jr., and other family members to whom a copy of this resolution shall be sent.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-344

H. 118—Reps. Patton, Payne, Bedsole,
Amari

AN ACT

To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-15-67 of the Code of Alabama 1975 is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-345

H. 154—Reps. Edwards, Grouby, Blake
AN ACT

To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any statute or law to the contrary, any municipality, in Class 7 or 8, may legally purchase from any of the elected officials of such municipality any personal service or personal property, provided the elected official is the only domiciled vendor of the personal service or personal property within the municipality and such elected official may legally sell such personal service or personal property to the municipality. The cost or value of such personal service or personal property authorized to be obtained or purchased under this section of this Act shall in no event exceed the sum of \$2,000.00. The elected official, if he proposes to sell to the municipality, shall not participate in the decision-making process determining the purchase of such personal service or personal property but shall make any disclosure required by the provisions of the Code of Ethics for public officials, found in Chapter 25, Title 36, Code of Alabama, 1975. The governing body of such municipality shall determine and find that the elected official, from whom the purchase is to be made is the sole vendor domiciled in the municipality and that the selling price of such service or property is lower than could be obtained from a vendor domiciled outside the municipality, and, in making such determination, consideration may be given to the quality of service or property proposed to be supplied, conformity with specifications, purposes for which required, terms of delivery, transportation charges, and the date of delivery.

Section 2. Notwithstanding any statute or law to the contrary any municipality, in Class 7 or 8, may legally purchase from any of the elected officials of such municipality any personal service or personal property under the Competitive Bid Law procedures established by Article 3, Chapter 16, Title 41, Code of Alabama 1975, and such elected official may legally sell such personal service or personal property to such municipality under the procedures of said statutes. The elected official, if he proposes to bid, shall not participate in the decision-making process determining the need for or the purchase of such

personal service or personal property, or in the determination of the successful bidder, and the governing body shall affirmatively find that the elected official, from whom the purchase is to be made, is the lowest responsible bidder as required by said statutes. It shall be the duty and responsibility of the municipality to file a copy of any contract awarded to any of its elected officials with the State Ethics Commission and all awards shall be a result of original bid takings.

It is the intention of the Legislature by the adoption of this Act to specifically remove any statutory or legal prohibitions against municipalities, in Classes 7 and 8, dealing with their elected officials in the purchase of personal services or personal property.

Section 3. In the event an elected official offers to sell or submits a bid to the municipality, for the sale of personal property or a contract for furnishing personal services, the said official shall make full disclosure of his ownership or extent of ownership in the business organization with which he is associated. In the event the business organization is a partnership, the names and addresses and percentage of ownership of the partners shall be disclosed and, in the event the business organization is a corporation, the names and addresses and percentage of ownership of all stockholders shall be disclosed. The disclosure required hereunder, shall be made, under oath of the elected official, in the original submission to the municipality and in like manner in any contract or agreement entered into with the municipality.

Section 4. All laws or parts of laws which conflict with this Act are specifically repealed but only with respect to the authority herein given to incorporated municipalities and their elected officials in Classes 7 and 8.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-346

H. 271—Reps. Hammett, Mitchell, Clark (G)

AN ACT

To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-18-89, Code of Alabama 1975, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-347

H. 381—Rep. Manley

AN ACT

To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-156 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 41-4-156.

“(a) Within three working days after an enrolled bill or joint resolution has been delivered to and filed in the office of the secretary of state, it shall be numbered, in the order in which it is received, and a copy of each local or general act shall be placed in the hands of the printer by the secretary of the senate or clerk of the house, as the case may be. The printer must immediately print 1,200 copies in slip or pamphlet form in accordance with section 41-4-158, which the printer must distribute as follows: two copies for every member and officer of the legislature, which copies shall be delivered to the secretary of the senate and the clerk of the house of representatives, 25 copies to the supreme court library, 15 copies to the legislative reference service, 20 copies to the law library at the University of Alabama, 50 copies to the department of archives and history, one copy to every judge of a court of record, circuit court clerk, register of the circuit court, district court clerk, district attorney, deputy district attorney, and sheriff, and the remainder shall be delivered to the secretary of state.

“(b) Each probate judge, circuit court clerk, register of the circuit court, district court clerk and sheriff shall preserve in his office, in a book kept for that purpose, each pamphlet furnished him until

the acts are published in permanent form. Pamphlet acts shall be open to public inspection during regular business hours."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-348 S.J.R. 152—Messrs. deGraffenried and Robertson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. DANNY C. MORRISON
OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the untimely death of Mr. Danny C. Morrison of Tuscaloosa, Alabama, on April 5, 1981, at the age of just 32 years; and

WHEREAS, a native and lifelong resident of Tuscaloosa, Mr. Morrison was a graduate of Tuscaloosa High School and the University of Alabama, and, at the time of his death was serving as vice president of Warrior Paper and Supply Company; and

WHEREAS, Danny Morrison was a former varsity athlete during his high school years and had continued his avid interest in sports through participation in and dedicated support of the athletic programs in the Tuscaloosa area; and

WHEREAS, he also was active in numerous of the civic and charitable affairs of his community and was a member of the First Baptist Church of Tuscaloosa; and

WHEREAS, early promise in youth became reality in Danny Morrison's manhood and his untimely death has indeed left a void in the hearts and lives of those who knew and loved him for his kindness, generosity and enthusiasm for life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Danny C. Morrison of Tuscaloosa, Alabama, and extend our most heartfelt sympathy to his son, Scott, to his parents, Mr. and Mrs. Claude Morrison, and other family members to whom copies of this resolution shall be sent.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-349

S.J.R. 153— Messrs. Robertson, deGraffenried,
Proctor and Holmes

SENATE JOINT RESOLUTION

ENCOURAGING OUR CITIZENS TO SUPPORT THE
ECONOMY OF ALABAMA AND THE NATION THROUGH
THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, numerous of our domestic manufacturers are being forced to close their plants because of foreign competition, resulting in more and more unemployment to the detriment of the economy of entire areas; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions, and despite the fact that these products are inferior in quality and safety to our domestic products; and

WHEREAS, in light of the drastic and continued decline of our economy, directly related to increased imports, it is more imperative than ever before, that the American people define their loyalties through positive and corrective action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in repetitive appeal for the support of the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-350

S. 104—Mr. Pearson

AN ACT

To extend the statute of limitations in regard to violations of the competitive bid laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any other law to the contrary notwithstanding, the prosecution of any infraction of the competitive bid laws as provided in Title 41, Chapter 16, Code of Alabama 1975, must be commenced within four years after the commission of the offense.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-351

S. 109—Mr. Teague

AN ACT

To amend § 9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-147 of the Code of Alabama 1975 is hereby amended to read as follows:

§ 9-11-147. It shall be unlawful for any person to use any of the fishing gear mentioned in section 9-11-141, except slat boxes, in the public impounded waters and navigable streams of this state without marking their location by buoys or floats and identifying such nets and lines by showing the license number in plain figures upon the buoys or floats. The license number must be attached to all seines and nets, and at least one such buoy shall bear the name and address of the owner. It shall be unlawful to use slat boxes in said waters without permanently affixing thereto a metal tag stating thereon the name, address and license number of the licensee operating and using each slat box."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming

a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-352

S. 143—Mr. Denton

AN ACT

To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-42-21, Code of Alabama, 1975, is amended to read as follows:

“§ 11-42-21. Annexation proceedings.

Whenever all of the owners of property located and contained within an area contiguous to the corporate limits of any incorporated municipality with a population of 2,000 or more, located in the state of Alabama, and such property does not lie within the corporate limits or police jurisdiction of any other municipality, shall sign and file a written petition with the city clerk of such municipality requesting that such property or territory be annexed to the said municipality, and the governing body of such municipality adopts an ordinance assenting to the annexation of said property to such municipality, the corporate limits of said municipality shall be extended and rearranged so as to embrace and include such property and such property or territory shall become a part of the corporate area of such municipality upon the date of publication of said ordinance. It is provided further, that in the event any such incorporated municipality's police jurisdiction overlaps with the police jurisdiction of one or more other incorporated municipalities, the governing body of each such incorporated municipality may exercise the authority of this act, in such overlapping portions of their police jurisdiction, to a boundary which is equidistant from the respective corporate limits of each of such incorporated municipalities which have overlapping police jurisdictions, and provided further, all of the owners of property located and contained within such area to be annexed and such property is contiguous to the corporate limits of such an incorporated municipality shall sign and file a written petition with the city clerk of such incorporated municipality requesting that such property be annexed to said incorporated municipality and the governing body of such

incorporated municipality adopts an ordinance assenting to the annexation of said property to such municipality, the corporate limits of said municipality shall be extended and rearranged so as to embrace and include such property and such property or territory shall become part of the corporate area of such municipality upon the date of publication of said ordinance.

The petition required by this section shall contain an accurate description of the property or territory proposed to be annexed together with a map of the said territory showing its relationship to the corporate limits of the municipality to which said property is proposed to be annexed and the signatures of all the owners of the property or territory described. It shall be the duty of the governing body to file a description of the property or territory annexed in the office of the judge of probate of the county in which the municipality is located."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-353

S. 219—Messrs. Mitchem and Keener

AN ACT

To amend §12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be the policy of the state that docket fees and other court costs in criminal cases shall generally be assessed only upon conviction. It is further declared to be the policy of the state that a creditor shall not use the criminal process in order to collect civil debts. The state does recognize that situations will arise from time to time wherein justice may best be served by allowing a judge to enter an order dismissing a case upon the payment of costs by the defendant or by the complainant where the judge has determined that the criminal process has been abused.

Section 2. Section 12-19-150, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-19-150. Assessment of fees in criminal cases, submission of cost bill by municipal or district court clerk and making of final assessment of costs in circuit court upon appeals from municipal or district courts to circuit courts.

(a) Docket fees and other court costs in criminal cases shall be assessed upon conviction; provided that, in the interest of justice, following an arrest or the issuance of a warrant for the arrest of a defendant, a judge may in his discretion, on motion of the District Attorney or upon his own motion, enter an order prior to trial dismissing the case. Such order may be conditioned upon the defendant's payment of the docket fee and other court costs accruing in the proceeding. It is further provided that such costs may be taxed against any person who has made a complaint upon which a warrant has issued and who subsequently requests that such case be dismissed without just cause or legal excuse. A judge may excuse payment of fees in any case wherein the defendant serves an active jail sentence.

(b) For the purpose of assessing fees in criminal cases, a case shall include all offenses arising out of the same incident. Fees shall be assessed on the basis of the most serious offense of which the defendant is convicted, provided, that the judge may, in his discretion, assess costs for each conviction. When two or more defendants are charged in the same indictment or complaint, fees shall be assessed against them separately, as if they had been charged separately.

(c) If an appeal is taken from the district court or the municipal court in a criminal case, the clerk, in making records available to the circuit court, shall submit a cost bill from the district court or municipal court, and the final assessment of cost will be made in circuit court, including unpaid court costs and fees from district, municipal and circuit courts.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-354

S. 508—Messrs. Little and Higginbotham

AN ACT

Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 11:00 A.M.

Act No. 81-355

H. 223—Reps. Clark (G), Campbell, Turner, Sasser, Waggoner, Langford, Parker, Mitchell, Lewis, Greer, Dixon, Penry, Manley, Dial, Barton, Cosby, Grouby, Wyatt, Turnham, Buskey, Drinkard, McMillan, Shoemaker, Williams, Carothers, Blake, Patton, Willis, Johnson (R.G.), Minus, Gafford, Smith (J), Carter, Coburn, Edwards, Warren, Owens, Whatley, Bedsole, Harper (T), Moore, Naramore, Howard,

Trammell, Gilmer, Starkey,
Goodwin, Gregg, Brakefield,
Kennedy, Smith (M), Venable,
Pegues.

AN ACT

A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as the "Deceptive Trade Practices Act".

Section 2. Legislative Intent. The public health, welfare and interest require a strong and effective consumer protection program to protect the interest of both the consuming public and the legitimate businessperson.

Section 3. Definitions. As used in this Act, the following words and phrases shall have the meanings hereinafter ascribed to them:

(a) "Attorney General" shall mean the Attorney General of the State of Alabama or his duly designated representatives.

(b) "Consumer" shall mean any natural person who buys goods or services for personal, family or household use.

(c) "Goods" shall include but not be limited to any property, tangible or intangible, real, personal, or any combination thereof, and any franchise, license, distributorship, or other similar right, privilege, or interest.

(d) "Know", "knowing", "knowingly", "knowledge", and "knew" shall mean either actual awareness or such awareness as a reasonable person should have considering all the surrounding circumstances.

(e) "Person" shall include but not be limited to natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(f) "Sale", "buying", and "distribution", in addition to their ordinary meanings, shall include but not be limited to the act of leasing, renting, or consigning.

(g) "Services" shall mean work, labor, and other services, including but not limited to services furnished in connection with the

sale or repair of goods.

(h) "Trade or Commerce" shall include but not be limited to the advertising, buying, offering for sale, sale or distribution or performance of any service or goods, and any other article, commodity, or thing of value wherever situated and shall include any trade or commerce affecting the people of this state.

Section 4. General Functions, Powers and Duties of the Attorney General and the District Attorneys.

(a) The Office of the Attorney General and the District Attorneys shall have the following functions, powers and duties:

(1) Conduct preliminary investigations to determine the merit of complaints, provided, however, the Office of the Attorney General or the District Attorneys need not handle any complaint which lacks merit, has been made in bad faith, or may be readily resolved between the parties.

(2) Receive information and documentary material from complainants and take whatever action is appropriate in connection therewith as authorized by this Act. The Office of the Attorney General and the District Attorneys may otherwise receive and investigate complaints with respect to acts or practices declared to be unlawful by this Act, and inform the complainants with respect thereto. Said persons may institute legal proceedings or take such other actions provided for herein which are necessary or incidental to the exercise of its powers and functions;

(b) Each department, agency, officer or employee of the State shall cooperate with and assist the Office of the Attorney General or a District Attorney in the performance of its functions, powers and duties. When a complaint is referred by the Office of the Attorney General or a District Attorney to a department, agency, officer or employee of the State or a county, such entity shall, upon final disposition of the complaint, make a final report in writing to the Office of the Attorney General or a District Attorney describing the action taken and the final results of that action.

(c) Nothing contained in this Act shall be deemed to delegate or detract in any way from the functions, powers, and duties prescribed by law for any other department or agency of the State, nor to interrupt or preclude the direct relationships of any such department or agency or units of county government in the performance of such functions, powers and duties, nor shall good faith compliance with any federal or state law or regulation be a violation of this Act with respect to that specific act of compliance.

(d) Nothing contained in this Act shall also be deemed to super-

sede, take precedent over, or preempt, any remedy, either criminal or civil, available to the Commissioner of Agriculture and Industries or the Board of Agriculture and Industries in the enforcement of those laws and regulations under the jurisdiction of the Commissioner or the Board.

Section 5. Unlawful Trade Practices. The following deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:

(a) Passing off goods or services as those of another, provided that this section shall not prohibit the private labeling of goods or services;

(b) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(c) Causing confusion or misunderstanding as to the affiliation, connection, or association with, or certification by another, provided that this section shall not prohibit the private labeling of goods or services;

(d) Using deceptive representations or designations of geographic origin in connection with goods or services;

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities that they do not have or that a person has sponsorship, approval, status, affiliation or connection that he does not have;

(f) Representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, second-hand or altered to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided that this subsection shall not apply to new goods which have been reconditioned, reclaimed or repaired and such fact is disclosed to the purchaser;

(g) Representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact;

(i) Advertising goods or services with intent not to sell them as advertised;

(j) Advertising goods or services with intent not to supply reasonably expectable public demand unless the advertisement discloses a limitation of quantity;

(k) Making a false or misleading statement of fact concerning the reasons for, existence of, or amounts of price reductions;

(l) Knowingly failing to identify flood, water, fire, or accidentally damaged goods as damaged goods if they are damaged to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided, that this subsection shall not apply to accidentally damaged new goods where the goods are reconditioned, reclaimed or repaired to substantially their original condition and such fact is disclosed to the purchaser.

(m) Knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;

(n) Misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a transaction;

(o) Disconnecting, turning back, replacing or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge with the intent of deception;

(p) Advertising of any sale by falsely representing that a person is going out of business;

(q) After receipt of payment for goods or services, failing to ship such goods or furnish such services within the time advertised or otherwise represented or, if no specific time is advertised or represented, failing to ship such goods or furnish such services within thirty (30) days, unless within such applicable time period the seller provides the buyer with the option to either cancel the sales agreement and receive a refund of all previous payments to the seller or to extend the said date to a specific date proposed by the seller. Any refund shall be mailed or delivered to the buyer within ten (10) business days after the seller receives written notification from the buyer of the buyer's option to cancel the sales agreement and receive such refund.

(r) Using or employing a chain referral sales plan in connection with the sale or offering for sale of goods, merchandise, or anything of value, involving a sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers, if the receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchased the goods, merchandise or anything of value;

(s) Selling or offering to sell, either directly or associated with the sale of goods or services, a right to participation in a pyramid sales

structure. As used herein, "pyramid sales structure" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for consideration acquires the opportunity to receive a pecuniary benefit, which is based primarily upon the inducement of additional persons, by himself and others, regardless of number, to participate in the same plan or operation, and is not primarily contingent on the volume or quantity of goods, services or other property sold or distributed. For purposes of this subsection, "consideration" shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale wherein such payments amount to less than one hundred dollars (\$100.00) annually;

(t) In connection with any seller-assisted marketing plan, either misrepresenting the amount or extent of earnings to result therefrom, or misrepresenting the extent or nature of the market for such goods and/or services sold or delivered in connection with such plan, or misrepresenting that the seller of such plan will repurchase all or part of the goods and/or services sold or delivered in connection with such plan or failing to deliver goods and/or services within the time represented. As used herein, "seller-assisted marketing plan" includes any plan, scheme or system in which for a consideration a buyer acquires goods and/or services together with a plan, scheme or system for the resale of said goods and/or services;

(u) Intentionally misrepresenting that a warranty or guarantee confers or involves certain rights or remedies;

(v) Engaging in any other unconscionable, false, misleading or deceptive act or practice in the conduct of trade or commerce.

Section 6. Interpretation. It is the intent of the Legislature that in construing Section 5 of this Act, due consideration and great weight shall be given where applicable to interpretations of the Federal Trade Commission and the Federal Courts relating to Section 5 (a) (1) of the Federal Trade Commission Act (15 U.S.C. 45(a) (1), as from time to time amended.

Section 7. Exemptions. Nothing in this Act shall apply to:

(a) Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, radio, or television station or telephone company in the publication or dissemination of an advertisement, which the owner, agent or employee did not have knowledge of the false, misleading, or deceptive character of the advertisement;

(b) Any seller of goods or service who meets all the following requirements:

(1) Has disseminated advertisement or promotional material from a manufacturer, packer, distributor, or other seller, from whom he has purchased the goods or services, unless the seller knew the advertisement or promotional material to be false or misleading; and

(2) On the request of the Attorney General or District Attorney, provides the name and address of the manufacturer, packer, distributor, or other seller from whom he has purchased the goods or service; and

(3) On the request of the Attorney General or District Attorney, agrees in writing to discontinue dissemination of such false and misleading material;

(c) Any person or activity which is subject to the provisions of the Alabama Insurance Code, viz Act No. 407 of the 1971 regular session, now appearing in the Code of Alabama 1975, Title 27, as amended, or any bank or affiliate of a bank which is regulated by the state banking department of Alabama, the comptroller of the currency of the United States, federal deposit insurance corporation or the board of governors of the federal reserve system, or to any person or activity which is subject to the provisions of the Code of Alabama 1975, Title 10, Chapter 4, Article 6, or to the regulated activities of any utility, telephone company or railroad which is regulated by Alabama public service commission;

(d) Any violation of the Federal Consumer Credit Protection Act;

(e) Any activity which is subject to the provisions of the Securities Act of Alabama, viz: Act No. 542, 1959 Regular Session, Act No. 605, 1969 Regular Session, Act No. 740, 1969 Regular Session, Act No. 2243, 1971 Regular Session, Act No. 2244, 1971 Regular Session, now appearing in Code of Alabama 1975, Title 8, Chapter 6; or to the provisions of the Sale of Checks Act, viz: Act No. 177, 1961 Extra Session, now appearing in Code of Alabama 1975, Title 8, Chapter 7; or to the provisions of Act No. 586, 1978 Regular Session, (relating to a notification procedure for the issuance of certain industrial revenue bonds).

(f) For purposes of this Section, the burden of proving exemption from the provisions of this Act shall be upon the person claiming the exemption.

Section 8. Restraining Orders.

(a) Whenever the Office of the Attorney General or the Office of the District Attorney has reason to believe that any person is engaging in, has engaged in, or is about to engage in any act or practice

declared to be unlawful by this Act, the Attorney General or the District Attorney may bring an action in the name of the State against such person to restrain by temporary restraining order, temporary or permanent injunction such acts or practices. However, unless the Attorney General or District Attorney determines that a person subject to the provisions of this Act designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property therein, or to continue practices unlawful under this Act, he shall, before initiating any legal proceedings is contemplated, allow such person a reasonable opportunity to appear before the Attorney General or District Attorney and solve the dispute to the parties' satisfaction.

(b) The court may appoint a master or receiver or order sequestration of assets whenever it shall appear that the defendant threatens or is about to remove, conceal, or dispose of his property to the damage of persons to whom restoration would be made, or whenever a person who has been ordered to make restitution under this section has failed to do so within three months after the order to make restitution has become final and non-appealable, and assess the expenses of the master or receiver against the defendant.

(c) Upon a showing to the court by the Office of the Attorney General or the Office of the District Attorney that a person has engaged in continuous and willful violations of the provisions of this Act, the court may suspend or revoke any license or certificate authorizing that person to engage in business in this State or the court may enjoin any person from engaging in business in this state.

(d) The penalties authorized under this section shall not apply to any person who shows by a preponderance of evidence that he had established reasonable procedures to comply with the provisions of this Act.

(e) The court may grant such other appropriate relief as the court may determine.

Section 9. Discovery of Information. Before any action is commenced, the Attorney General or the District Attorneys may issue subpoenas to any person, to appear and produce relevant papers, documents, and physical evidence, and administer an oath or affirmation to any person, in aid of any investigation or inquiry into possible violation of this Act. Such subpoenas shall be served in accordance with the appropriate Alabama Rules of Civil Procedure. Upon failure of a person without lawful excuse to obey such subpoena, the Attorney General or District Attorney may apply to a court of competent jurisdiction for an order compelling compliance. After an action is commenced, discovery may proceed in accordance with Alabama Rules

of Civil Procedure.

Section 10. Private Right of Action.

(a) Any person who commits one or more of the acts or practices declared unlawful under this Act and thereby causes monetary damage to a consumer, and any person who commits one or more of the acts or practices declared unlawful in subsections (s) and (t) of Section 5 of this Act and thereby causes monetary damage to another person, shall be liable to each consumer or other person for:

(1) any actual damages sustained by such consumer or person, or the sum of \$100.00, whichever is greater; or

(2) up to three (3) times any actual damages, in the court's discretion. In making its determination under this subsection, the court shall consider, among other relevant factors the amount of actual damages awarded, the frequency of the unlawful acts or practices, the number of persons adversely affected thereby and the extent to which the unlawful acts or practices were committed intentionally; and

(3) in the case of any successful action or counterclaim to enforce the foregoing liability or in which injunctive relief is obtained, the costs of the action or counterclaim, together with a reasonable attorney's fee. On a finding by the court that an action or counterclaim under this section was frivolous or brought in bad faith or for the purpose of harassment, the court shall award to the defendant (or counterclaim-defendant) reasonable attorney's fees and costs.

(b) The liability provided in this Section may be enforced by counterclaim in an action arising from the same transaction without regard to the statute of limitations provided in Section 14 of this Act.

(c) any action under this Section may be brought in the circuit court for the county in which the defendant resides, has his/her principal place of business, is doing business or committed the unlawful act or practice.

(d) Upon commencement of any action brought under this Section, the clerk of the court shall mail a copy of the complaint or other initial pleading to the Office of the Attorney General and to the local District Attorney and, upon entry of any injunction, judgment, or decree in the action, shall mail a copy of such injunction, judgment, or decree to the Office of the Attorney General and to the local District Attorney.

(e) At least 15 days prior to the filing of any action under this Section, a written demand for relief, identifying the claimant and reasonably describing the unfair or deceptive act or practice relied

upon and the injury suffered, shall be communicated to any prospective respondent by placing in the United States mail or otherwise. Any person receiving such a demand for relief who, within 15 days of the delivering of the demand for relief, makes a written tender of settlement which is rejected by the claimant may, in any subsequent action, file the written tender and an affidavit concerning this rejection. If the court finds that the relief tendered was sufficient to compensate the petitioner for his actual damages, the court shall not award any additional damages or attorney's fees or costs to the petitioner. The demand requirements of this subsection shall not apply if the prospective respondent does not maintain a place of business or does not keep assets within the State, but such respondent may otherwise employ the provisions of this Section by making a written offer of relief and paying the rejected tender into court as soon as practicable after receiving notice of an action commenced under this Section. All written tenders of settlement such as described in this subsection shall be presumed to be offered without prejudice in compromise of a disputed matter.

(f) A consumer or other person bringing an action under this Act may not bring an action on behalf of a class; provided, however, that the Office of the Attorney General or District Attorney shall have the authority to bring action in a representative capacity on behalf of any named person or persons. In any such action brought by the Office of the Attorney General or a District Attorney the court shall not award minimum damages or treble damages, but recovery shall be limited to actual damages suffered by the person or persons, plus reasonable attorney's fees and costs.

Section 11. Penalties.

(a) Any person who violates the terms of an injunction or order issued under this Act shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) per violation and shall be adjudged in contempt. For the purpose of this Section, any circuit court issuing an injunction or order under this Act shall retain jurisdiction, and in such cases the Attorney General or the District Attorney acting in the name of the State may petition for recovery of such civil penalties.

(b) Any person who is knowingly engaging in or has knowingly engaged in any act or practice declared unlawful by Section 5 of this Act shall forfeit and pay a civil penalty of not more than two thousand dollars (\$2,000.00) per violation upon petition by the Attorney General or a District Attorney acting in the name of the State to the circuit court for the county in which the defendant resides, is doing business, or has his/her principal place of business, or the county in which the unlawful act or practice was or is being committed.

(c) Furthermore, upon a second or continuing violation of an injunction after imposition of the sanctions in subsection (a), and upon petition by the Attorney General or a District Attorney, the circuit court of general jurisdiction of a county may, in its discretion, order the dissolution or suspension or forfeiture of the franchise of any corporation, partnership, or sole proprietorship which willfully violates the terms of any injunction issued under Section 8 of this Act.

(d) The penalties authorized under this Section shall not apply to any offender who shows by a preponderance of evidence that he had established reasonable procedures to comply with this Act or with any injunction issued under Section 8 of this Act.

(e) In any successful action or petition brought under this Section, the court shall award the Office of the Attorney General and/or the Office of the District Attorney reasonable attorney's fees and costs.

(f) All penalties collected under this Section shall be remitted by the circuit court to the State Treasurer and shall be credited to the account of either the Office of the Attorney General or the Office of the District Attorney, whichever initiated the action or petition resulting in imposition of such penalties.

Section 12. Willful Violation a Misdemeanor. Any person who continuously and willfully violates any provision of this Act shall be guilty of a Class A misdemeanor.

Section 13. Defense To Actions Brought Under This Act. Any person against whom any civil action or proceeding is brought pursuant to this Act shall have a defense to such action or proceeding upon a showing by a preponderance of the evidence presented that such person did not knowingly commit any act or knowingly engage in any activity which constitutes a violation of any provision of this Act.

Section 14. Statute of Limitations. No action may be brought under this Act more than one (1) year after the person bringing the action discovers or reasonably should have discovered the act or practice which is the subject of the action, but in no event may any action be brought under this Act more than four (4) years from the date of the transaction giving rise to the cause of action unless the contract or warranty is for more than three (3) years. If the contract or warranty is for more than three (3) years, no action may be brought more than one (1) year from the expiration date of the contract or warranty or more than one (1) year after the person bringing the action discovered or reasonably should have discovered the act or practice which is the subject of the action, whichever occurs first.

Section 15. Savings Clause. The civil remedies provided herein and the civil remedies available at common law, by statute or otherwise, for fraud, misrepresentation, deceit, suppression of material facts, or fraudulent concealment are mutually exclusive. An election to pursue the civil remedies prescribed in this Act shall exclude and be a surrender of all other rights and remedies available at common law, by statute or otherwise, for fraud, misrepresentation, deceit, suppression of material facts, or fraudulent concealment arising out of any act, occurrence, or transaction actionable under this Act. An election to pursue any civil remedies available at common law, by statute or otherwise for fraud, misrepresentation, deceit, suppression of material facts, or fraudulent concealment arising out of any act, occurrence, or transaction actionable under this Act shall exclude and be a surrender of all rights and remedies available under this Act. All other remedies, penalties or actions presently provided by statute or common law or hereafter provided for in any other law or rule of procedure are cumulative with the provisions, remedies and actions in this Act and this Act shall not be construed to repeal or supersede any law not inconsistent herewith.

Section 16. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 1:00 P.M.

Act No. 81-356

H. 512—Rep. Smith (M), Waggoner,
Roberts, Kennedy, Parker, Owens,
Ward, Cosby, Patton, Albright,
Bennett, Coburn, Moore, Smith (J),
Naramore

AN ACT

To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-182 of the Code of Alabama 1975 is hereby amended as follows:

"Section 41-4-182. The director of finance shall employ the necessary state capitol police officers, subject to the state merit system laws to preserve order, prevent crime, and protect and save from injury persons and property at the capitol and all state buildings and buildings occupied by state departments and agencies within the State of Alabama, and he shall prescribe their duties and the type and color of uniform they shall wear." Said officers shall be required to meet the minimum standards of law enforcement officers as provided by the Peace Officers' Standards and Training Commission prior to being granted permanent employment status.

Section 2. Section 41-4-183 of the Code of Alabama 1975 is hereby amended as follows:

"Section 41-4-183. The director of finance shall employ a landscape gardener whose duty it shall be to look after the grounds, etc., of the capitol."

Section 3. Section 41-4-184 of the Code of Alabama 1975 is hereby amended as follows:

"Section 41-4-184. (a) State capitol police officers shall be required to wear a uniform.

"(b) State capitol police officers, when duly appointed, shall have the powers of peace officers in this state and may exercise such powers anywhere within the state."

Section 4. Section 41-4-185 of the Code of Alabama 1975 is hereby amended as follows:

"Section 41-4-185. (a) All state capitol police officers shall be furnished with uniforms, firearms, ammunition, flashlights and all other equipment necessary for the effective performance of their duties.

"(b) The state department of finance is authorized, subject to approval by the governor, to insure state capitol police officers in some insurance company or companies authorized to do business in the state of Alabama against personal injury or death caused by accident or violence while discharging their duties as such state capitol police officers; provided, the amount of insurance to be procured as to any such state capitol police officer shall not exceed the amount which would be payable to such state capitol police officer under the workmen's compensation laws of the state of Alabama if such state capitol

police officer were privately employed; except, that such policy may provide additional benefits not to exceed \$10,000 per state capitol police officer for the payment of hospital and medical expenses. The cost of such insurance shall be paid by the state department of finance out of any funds appropriated to its use in the manner provided by law."

Section 5. All Acts that are in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 2:00 P.M.

Act No. 81-357

S. 60— Messrs. Holmes, White, Glass,
Kirkland, Hall, St. John, Keener,
Robertson, Callahan, Martin,
Britnell, Cook, Mitchem,
Lemaster, deGraffenried and
Vacca

AN ACT

To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which each such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activities shall be engaged in.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 29, 1981

Time: 1:00 P.M.

Act No. 81-358

H. 979—Rep. Greer

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed, to become valid as a part of the Constitution of Alabama when approved by a majority of the qualified electors of said state voting thereon:

PROPOSED AMENDMENT

The Lauderdale County school district of Lauderdale County shall, subject to authorization at an election in each local school tax district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding ten mills on each dollar of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the local school tax district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each elections held under this amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Amendment III to the Constitution of Alabama, except that no countywide or systemwide tax shall be required to be levied as a condition precedent to either the authorization or levy of a local school district tax under this amendment. The holding of one election shall not preclude a later election in the same district under the authority of this amendment. The proceeds of any special district tax authorized by this amendment shall be expended solely for capital outlay purposes in the public schools in the district in which the tax shall be levied.

The county board of education of Lauderdale County may from

time to time, without the necessity of any election, change the boundaries of any local school tax district at any time existing in the county, or consolidate any two or more school districts therein, if the taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said county board of education by any existing law, but shall be in addition thereto.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1981

Passed the Senate April 29, 1981

Act No. 81-359

H. 421—Reps. Carothers, Grimsley, Daniels

AN ACT

To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of License Commissioner in Houston County, Alabama. He shall take office immediately upon this act becoming law, and the appointment

made by the Houston County Commission. The License Commissioner shall serve thereafter at the pleasure of the Houston County Commission and shall be classified as an exempt employee under the Houston County Personnel Board Act.

Section 2. The office of license inspector provided for by the Code of Alabama 1975, Section 40-12-10 is hereby abolished. The license commissioner shall enforce all laws concerning licenses and shall have the responsibility to see that the necessary licenses and tags are purchased. The license commissioner shall have the authority to issue citations to insure that the necessary licenses or tags are purchased.

Section 3. The license commissioner shall be paid such salary as shall be set and approved by the Houston County Commission; and shall be payable in equal monthly installments from the general fund of the County. All penalties received from the sale of licenses or tags shall be returned to general fund of the county.

Section 4. Suitable Office space and all stationery, equipment, supplies and postage necessary for the conduct of the office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the state revenue department or the state comptroller.

Section 5. It is the intent and purpose of this act to insure that the license and tag laws of Houston County are followed by all and to provide the authority to enforce the same.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), are hereby further amended to read as follows:

“Section 5. CREDITABLE SERVICE. For the purpose of attainment of the period of service required for retirement under the provisions of this Act, the following conditions shall prevail and none other:

“A-(1) All persons who are employees and retired employees of the City of Dothan on the date of the enactment of this Act and who were members of the Alabama Employees’ Retirement System, shall receive credit for all prior service evidenced by Alabama Employees’ Retirement System prior years certificates, and so long as membership continues, such prior service certificate shall be final and conclusive for retirement purposes as to such service credited prior to this Act, except that any such certificate found to be inaccurate as to actual prior service according to records in the city clerk’s office and personnel office, may be amended by resolution of the governing body of the city with the concurrence of the pension board upon certification of the city clerk and personnel director, as to the actual service prior to the City of Dothan’s withdrawal from the Alabama Employees’ Retirement System any employee should have credit for.

“(2) Employee-members drafted or entering directly into the armed forces of the United States and complying with Section 2, Subsection (4), will receive credit for continuous service.

“(3) Creditable service at retirement, on which retirement allowances of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate provided such member does not withdraw or has not withdrawn his contributions as provided in Section 4 (1).

“(4) Anything in this Act to the contrary notwithstanding, any member having twenty (20) or more years of creditable service shall be eligible to continue in the membership of the system whether employed by the city or not until he files application for service retirement, at which time he shall be eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty

(20) years shall entitle such an employee's benefit to be computed on the basis of his total years service and his highest average annual salary for any previous consecutive five (5) years in accordance with the percentages as set forth in the following Section 6, Paragraph 2.

"B-(1) All persons who become employees of the City of Dothan after the date of the enactment of this Act, and not anything in this Act to the contrary withstanding, shall:

"(2) Receive credit for continuous service if such employee-member is drafted or entering directly into the armed forces of the United States and complying with Section 2, Subsection (4).

"(3) Receive creditable service at retirement, on which retirement allowances of a member are based, shall consist of membership service rendered by him since he last became a member, provided such person does not withdraw or has not withdrawn his contributions as provided in Section 4(1).

"(4) Have twenty-five (25) or more years of creditable service shall be eligible to continue in the membership of the system whether employed by the City or not until he files application for service retirement and such person must attain the age of fifty-five (55) years before being eligible for all benefits for full retirement as though all other conditions and requirements had been attained and fulfilled. Continuation of employment beyond twenty-five (25) years shall entitle such employee member's benefit to be computed on the basis of his total years of service and his highest average annual salary for any previous consecutive five (5) years in accordance with the percentages as set forth in the following Section 6, Paragraph 2(B)."

"Section 10. PERPETUITY OF SYSTEM AND RELIEF OF MEMBERS ALREADY RETIRED AND THOSE WHO RETIRE IN THE FUTURE.

"(1) At any time there is an insufficient amount in the retirement fund from the sources herein provided for to meet the retirement obligations of the system, the pension board shall make recommendations to the governing body of the City and the legislative delegation for any needed provisions.

"(2) For the purpose of additional relief and benefit to employee-members already retired, effective upon the end of this first full calendar month following the passage and approval of this Act, the benefits of all such retired employee shall be computed upon the basis of Act No. 59, Alabama Legislature, 1971 Regular Session, approved July 12, 1971, and Act No. 78, Alabama Legislature, 1975 Regular Session, approved July 25, 1975, and as amended by this Act.

“(3) The additional relief and benefit provided in the preceding paragraph for such employee already retired and those who retire hereafter including contingent pensioners who are receiving benefits under provisions of the surviving spouse option, as a cost of living increase, shall be increased each year in the future by two percent (2%) of the amount of the pension received; such increase to become effective on the anniversary date of each employee’s retirement or, as concerns contingent pensioners receiving benefits under the surviving spouse option, the anniversary date of the date of death of the employee-member. In addition, the pension board may consider further relief for such employee already retired and contingent pensioners who are receiving benefits under the surviving spouse option with the benefit provided within present funding capability for recommendation to the governing body of the city for appropriate legislative enactment.

“(4) Further additional relief and benefit provided as an additional cost of living increase for such employees already retired as of the effective date of this amendment as follows: A one-time adjustment to currently retired employees at three percent (3%) times the number of full years the participant has been retired; plus, a flat \$3.00 per month increase times the number of years of full service prior to retirement; provided that, the monthly resulting pension shall be limited to a maximum of \$500. This one-time adjustment shall be applicable only to those living members who retired prior to January 1, 1979, who now receive monthly retirement benefit of less than \$500. Those retired employees who retired on or after January 1, 1979, through December 31, 1980, and those currently receiving \$500 or more per month shall be given a one-time increase in the amount of \$25 per month.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-361

H. 798—Rep. Waggoner

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Pelham, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of the NE 1/4 of the NW 1/4 of Section 2, Township 20 South, Range 3 West and all of the NW 1/4 of the NW 1/4 of Section 2, Township 20 South, Range 3 West. All in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory herein above described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty or more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1981 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect.

Approved April 30, 1981

Time: 2:00 P.M.

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Pelham, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit: All of the NW 1/4 of Section 20, Township 20 South, Range 2 West lying South and East of the Northwest right-of-way line of County Highway 11 which is not presently within the Corporate limits of the City of Pelham. All in Shelby County, Alabama.

Section 2. The substantive provisions of this act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, no need a plat of map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1980 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes." the provisions of this act shall become operative immediately. If the majority are "No," this act shall have no further effect.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 4. This act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-363

H. 819—Rep. Dial

AN ACT

Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County the tax assessor shall receive an additional expense allowance in the amount of \$100.00 per month. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-364

H. 864—Rep. Minus

AN ACT

Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within Choctaw County. The board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and

safety of the people of the community or of the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-365

H. 865—Rep. Minus

AN ACT

Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Choctaw County is hereby empowered to authorize payments to be made from the county general fund for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Section 2. All funds necessary and incidental for the implementation of this act shall be paid out of the general fund of Choctaw County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-366

H. 866—Rep. Minus

AN ACT

Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Sections 1, 2 and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734) and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410) are hereby amended to read as follows:

“An Act Relating to Choctaw County; providing for the election and compensation of the county superintendent of education; and prescribing his qualifications.

“Section 1. The superintendent of education of Choctaw County shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1982, and at the general election every fourth year thereafter, by the qualified electors of Choctaw County. The superintendent elected in 1982 shall assume office at the expiration of the contract of the incumbent superintendent, but no later than July 1, 1984, and shall hold office until his successor is elected and qualified. Thereafter the superintendent shall hold office for a term of four years, beginning on the first day of July following his election, and until his successor is elected and qualified.

“Section 2. The superintendent of education of Choctaw County shall possess the same qualifications as are now required and provided in Section 16-9-2, Code of Alabama, 1975; and his official bond shall be fixed and approved in the manner provided by Section 16-9-3, Code of Alabama, 1975.

“Section 3. The Choctaw County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education, and any additional duties heretofore or hereafter prescribed by local law.

“Section 4. The beginning salary of the elected superintendent shall be commensurate with the salary paid the immediately preceding superintendent. Any subsequent increase of salary provided by the local school district, the state of Alabama, or any other source to certified personnel will automatically be provided to the superintendent on a pro rata basis for the twelve months contract. The total amount of the increase provided to certified personnel for a standard

teacher contract of 180 days or more, will be divided by nine and then multiplied by twelve, and then be provided to the superintendent.

“The board of education may, in and of itself, grant a salary increase to the superintendent at its discretion in years when one is not provided from sources outside or within the school district to certified personnel, and may also grant an amount greater than that provided by sources either within or without the school district if it so deems appropriate, but may not reduce the salary of the superintendent during the term of office.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-367

H. 896—Rep. Daniels

AN ACT

Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Be It Enacted by the Legislature of Alabama:

Section 1. In Geneva County, beginning with his next term of office, the coroner shall be entitled to receive an annual salary in the amount of twelve hundred dollars (\$1,200.00) and a monthly expense allowance in the amount of one hundred twenty-five dollars (\$125.00). Said salary and allowance shall be in lieu of any and all other compensation heretofore provided by law and be payable in equal monthly installments from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed, and specifically Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223) is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-368

H. 897—Rep. Daniels

AN ACT

Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase fee for issuance of pistol permits.

Section 1. The fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155, Code of Alabama 1975, shall be ten dollars, in Geneva County, Alabama which shall be collected by the sheriff and credited to a special fund on account of the sheriff and shall be used exclusively by the sheriff for uniforms, ammunition and equipment or any other purpose for the benefit of the sheriff's office or duties."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-369

H. 901—Reps. Penry, McMillan

AN ACT

Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Baldwin County Commission is hereby directed and required to call and provide for holding an election in Baldwin County at which there shall be submitted to the qualified electors participating in said election the following question: "Do you favor the levy in Baldwin County of an additional one cent sales tax the proceeds from which shall be paid to the County Board of Education for use by the said Board for the following public school purposes in the

County: payment of costs of acquiring, providing, equipping and constructing public school buildings, capital improvements to public school buildings, and other capital improvements (including, but without limitation to, transportation equipment) for use as a part of the public school system in the said County, and including also payment of the principal of and interest on any securities heretofore or hereafter issued by the County Board of Education of the said County for financing any such buildings or other capital improvements?"

Section 2. Notice of the election shall be given by the Judge of Probate of the said County by publication in a newspaper published in the County once a week for four consecutive weeks, the first of the said publications to be made not less than thirty (30) days before the date set for the election. The said election shall be held on a Tuesday to be specified by the said County Commission which shall not be later than eighty (80) days after the date of the passage of this Act. The election shall be held and conducted, and the results thereof shall be canvassed, declared and published, in the manner provided by law for County elections. All expenses of the election, including (but without limitation to) the expense of publishing the said notice, shall be paid by the County.

Section 3. The result of the election shall be advisory only; and the tax shall not become effective unless hereafter levied (i) by the Legislature or (ii) by the said County Commission, pursuant to existing or future statutory authorization.

Section 4. The provisions of this Act are severable. Should any part of this Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 30, 1981

Time: 2:00 P.M.

Act No. 81-370

H. 995—Rep. Smith (C)

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

The county commission of Chilton County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, not exceeding two and one-half mills on each dollar's worth of taxable property outside the corporate limits of any incorporated municipality in the county, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for fire, medical and emergency services to areas outside the incorporated municipalities of the county.

The tax assessor of Chilton County shall assess the tax herein provided for, and the tax collector of Chilton County shall collect the tax, in the same manner and method that other ad valorem taxes are collected, and the funds shall be distributed to the Chilton County Commission to be distributed by said commission, in equal shares, to all of the rural fire departments in said county that have and maintain an Insurance Services Office of Alabama approved rating.

After the special tax shall have been levied for a period of twenty years from the date of ratification of this amendment, it shall be discontinued unless a majority of qualified electors of Chilton County, participating in an election called by the county commission, shall vote in favor of its continuance. This amendment shall not become operative as to Chilton County unless the same is approved by a majority of the qualified electors of Chilton County who vote thereon upon its submission.

Section 2. An election on this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which there is no newspaper

published, a copy of the notice shall be posted at each courthouse and post office within said county.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1981

Passed the Senate April 30, 1981

Act No. 81-371

H. 47—Rep. Biddle

AN ACT

Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons, firms, corporations, or associations issuing health and accident insurance policies within this state shall consider claims made thereunder and if found to be valid and proper, to pay such claims within forty-five (45) days after the receipt of proof of loss under such policies. Benefits due under the policies and claims are to be considered overdue if not paid within forty-five (45) days after the insurer receives reasonable proof of the fact and amount of loss sustained. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof shall be considered overdue if not paid within forty-five (45) days after such proof is received by the insurer. Any part or all of the remainder of the claim that is later supported by reasonable proof shall be considered overdue if not paid within forty-five (45) days after such proof is received by the insurer. For the purposes of calculating the extent to which any benefits are overdue, payment shall be treated as made on the date a draft or other valid instrument was placed in the United States mail to the last known address of the claimant or beneficiary in a properly addressed, postpaid envelope, or if not so posted, on the date of delivery. If the claim is not denied for valid and proper reasons by the end of said forty-five (45) day period, the insurer must pay the insured one and one-half percent per month on the amount of said claim until it is finally settled or adjudicated.

In the event that the insurer fails to pay such benefits when due, the person entitled to such benefits may bring an action to recover them.

Section 2. All laws or parts of laws which conflict with the Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-372

H. 657—Rep. Dixon

AN ACT

To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-9-7 of the Code of Alabama 1975 is hereby amended to read as follows:

“§34-9-7.

“Nothing in this chapter shall apply to the following practices, acts and operations:

“(1) The practice of his profession by a physician or surgeon holding a certificate or qualification as a medical doctor and licensed as such under the laws of this state, provided he shall not practice dentistry as a specialty;

“(2) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States army, navy, air force or other armed services, public health service (provided however, dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part by the state or federal government shall be subject to all of the provisions of this chapter and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry

and dental hygiene in this state), coast guard or veteran's administration; or

"(3) The practice of dentistry by a licensed dentist of other states or countries at meetings of the Alabama Dental Association or components thereof, or other like dental organizations approved by the Board, while appearing as clinicians, or when appearing in emergency cases upon the specific call of dentists duly licensed under the provisions of this chapter; or

"(4) The filling of prescriptions of a licensed and registered dentist, as hereinafter provided, by any person or persons, association, corporation or other entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances on a model made by or from impressions taken by a licensed and currently registered dentist, to be used or worn as a substitute for natural teeth; provided, that such person or persons, association, corporation or other entity, shall not solicit or advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio, television or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; or

"(5) The use of roentgen machines or other rays for making radiograms or similar records, of dental or oral tissues under the supervision of a licensed dentist or physician; provided, that such services shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he has, leases, owns or operates a roentgen machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity, or administering treatments thereto for any disease thereof;

"(6) The giving of a general anesthetic by a nurse anesthetist who administers a general anesthetic under the direct supervision of a duly licensed dentist to a patient who is undergoing dental treatment rendered by said dentist;

"(7) The use of a nurse in the practice of professional or practical nursing, as defined in Sections 34-21-1 through 34-21-26, by a dentist."

Section 2. Section 34-9-9 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-9.

"The term 'proprietor', as used in this chapter, shall not in any way pertain to state, county, municipal or city institutions and shall be deemed to include any person, firm, partnership, or corporation

not licensed to practice dentistry who employs one or more dentists, dental hygienists, or both, in the operation of a dental office; or places in possession of a dentist, dental hygienist or other agent such dental material equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or retains the ownership or control of dental equipment, material or office and makes the same available in any manner for the use by a dentist, dental hygienist or other agent; provided, that nothing in this chapter shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retention title agreement and; provided further, that this section shall not prohibit or restrict persons, firms or corporations from employing or retaining licensed dentists to furnish dental treatment for their employees or dependents of their employees. A licensed dentist or dental hygienist who enters into any of the above described arrangements with an unlicensed proprietor as defined above may have his license and license certificate suspended or revoked by the Board."

Section 3. Section 34-9-18 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-18.

"The Board may refuse to issue the license or license certificate provided for in this chapter or may suspend or revoke the license of any dentist or dental hygienist, now in force or that shall be hereafter issued, whenever it shall be established to the satisfaction of the Board, after a hearing as hereinafter provided, that any licensed dentist or dental hygienist has been guilty of the following:

"(1) Fraud, deceit or misrepresentation, whether knowingly or unknowingly, in obtaining any license, license certificate, annual registration certificate, money or other thing of value; or

"(2) Gross immorality; or

"(3) Is a menace to the public health or to patients or others by reason of a disease; or

"(4) Is an habitual user of intoxicants or drugs rendering him unfit for the practice of dentistry or dental hygiene; or

"(5) Has been convicted for violation of federal or state narcotics or barbiturate laws; or

"(6) Is guilty of gross negligence in the practice of dentistry or dental hygiene; or

"(7) Is guilty of employing, allowing or permitting any unli-

censed person or persons to perform any work in his office which, under the provisions of this chapter, can only be legally done by a person or persons holding a license to practice dentistry or dental hygiene; or

“(8) Willfully or negligently violates the rules of the state department of health or of the Board regarding sanitation; or

“(9) Is guilty of division of fees, or agreeing to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or his legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another; or

“(10) Is guilty of professional connection or association with or lending his name to any one who is engaged in the illegal practice of dentistry; or

“(11) Conviction in any court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude; or

“(15) The Board may suspend or revoke the license of any dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints, or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of her present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The Board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist employing such hygienists or nurse.

No order of suspension or revocation provided in this section shall be made or entered except after hearing by the Board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter.

Section 4. Section 34-9-19 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 34-9-19.

“(a) For the purpose of this section, the following terms shall have the respective meanings:

“DENTIST — Any person licensed to practice dentistry in this state pursuant to the provisions of this chapter, any association or partnership formed for the purpose of practicing dentistry and any professional corporation or professional unincorporated association formed pursuant to the Code of Alabama 1975, Title 10, Chapters 4 or 10, for the purpose of practicing dentistry.

“ROUTINE DENTAL SERVICE — A dental service may be considered routine for a dentist if it has the following characteristics:

“(1) It is performed frequently in the dentist’s practice.

“(2) It is usually provided at a set fee to substantially all patients receiving the service.

“(3) It is provided with little or no variance in technique or materials.

“(4) It includes all professionally recognized components within generally accepted standards.

“ADVERTISEMENT — An advertisement is information communicated in a manner designed to attract public attention to the practice of a dentist as heretofore defined.

“(b) A dentist may provide information regarding himself, his practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow-page directories, consumer directories, or comparable written publications or broadcast advertising over Federal Communications Commission approved commercial radio or television. The dentist shall have ultimate responsibility for all advertisements which are approved by him, his agents or associates and the dentist shall be responsible for the following:

“(1) Broadcast advertisements shall be recorded, approved by the dentist and a recording of the actual transmission shall be retained by the dentist.

“(2) Written or printed advertisements shall be approved by the dentist and a copy of the publication in which the advertisement is displayed shall be retained by the dentist.

“(3) Other forms of advertisement shall be approved by the dentist and the contents and specifications (where applicable) shall be retained by the dentist.

“(4) Advertising shall include the name of the dentist(s) and the names of all associates.

“(5) Advertising may include the following information:

(i) The dentist's title or degree or designation of any special area of dental practice approved by the American Dental Association in which the dentist has met the existing educational requirements and standards set forth by that association.

“(ii) Office and telephone answering hours, office location, office telephone number and residence and address and telephone number.

“(iii) Fixed fees for a specific, routine dental service. (Where complications are likely to arise or where other more expensive services may be required or advised or where special classes or patients such as children are involved, the advertising shall indicate the maximum fee which may be charged.)

“(6) A dentist may use or participate in the use of professional cards, appointment slips or cards, office signs, signs designating location, letterhead, or similar professional notices, only if they are presented in a reasonably dignified manner.

“(c) The following requirements shall be met by a dentist when advertising a routine dental service:

“(1) No range of fee may be advertised for routine dental services.

“(2) Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of sixty (60) days following the last day of publication or broadcast of that fee.

“(3) When a routine dental service is advertised as “free”, “no charge”, “without charge”, or such like, such service must be made available at no cost for a minimum of sixty (60) days following the date of the last publication or broadcast of such free service.

“(4) When a patient accepts the treatment plan for a routine dental service which was advertised by the dentist during the previous sixty (60) days for a specific fee, any subsequent dental service which is reasonably and foreseeably related to the advertised routine service must be provided without additional charge, UNLESS the advertisement for the routine dental service includes the following statement:

“Additional charges may be incurred for related services which may be required in individual cases.”

“(5) Advertisements may not include or use drawings, multi-colored prints, illustrations, animations, portrayals, dramatizations,

slogans, music, lyrics, the use of pictures, or demonstrations of skills or methods of practicing dentistry.

“(6) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services is prohibited.

“(7) Testimonials and endorsements, including but not limited to, character references, statements of benefits from dental services received, and expressions of the appreciation for dental services shall not be used in any announcement, publicity, or advertisement.

“(8) Promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the practitioner or of a third party is prohibited.

“(9) Revealing a patient’s personally identifiable facts, data, or information obtained in a professional capacity is prohibited.

“(10) Use of circulars, flyers, matchbooks, mirrors, throw-aways, bumper stickers or such articles to advertise is prohibited.

“(d) The dentist is prohibited from including the following when advertising:

“(1) Statements claiming superiority in the name of a particular method of treatment shall be considered misleading and are prohibited. Such prohibition shall include but not be limited to:

“(i) Statements that a certain dentist is a specialist or specializes in any branch of dentistry unless that speciality is approved by the American Dental Association and the dentist has met the existing educational requirements and standards set forth by the American Dental Association for that approved speciality.

“(ii) Statements such as “quality dentistry”, “quality work”, “staff of skilled dentists”, “skilled employees”, or references to uncertified or unlicensed employees.

“(iii) Statements that a certain dentist uses or may use a special material, drug formula, medicine or appliance, that is not available or used by other dentists generally.

“(2) Statements of superior facilities at a certain office are prohibited; for example, “scientifically equipped”, “latest modern equipment”, “modern offices”, “modern methods”, “modern devices”, or any similar expressions.

“(3) The advertising of performance of any dental operation without causing pain is prohibited.

“(4) False statements including the number of years in practice or in any one location or reference thereto are prohibited.

“(5) The omission from signs, or advertising of the names of any associates or employed licensed dentist is prohibited.

“(6) Statements of any nature that indicate that a certain dentist does all the work himself, when, as a matter of fact, all or part of the work or service is performed by another, are prohibited.

“(7) Statements which indicate the use of any anesthetic, drug, formula, material, method or system which is falsely advertised or misnamed are prohibited.

“(8) Statements that a dentist or a dental group is affiliated with a non-profit or charitable organization are prohibited.

“(e) No dentist shall advertise or solicit patients in a manner that is false or misleading in any material respect.

“(f) No dentist shall publish or circulate, directly or indirectly, any fraudulent, false or misleading statements as to the skill or methods or practice of himself or any other person.

“(g) In the case of advertising no dentists shall cause their name or picture to appear in connection or association with any publication, statement, article or presentation connected with or concerning any aspect of dentistry unless the publication, statement, article or presentation is actually authored, written or prepared by that dentist.

“(h) Violation of any provision of this section shall subject the dentist to the suspension or revocation of his license. No such order of suspension or revocation shall be made or entered except after notice and hearing by the Board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter.”

Section 5. Section 34-9-20 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-9-20.

“Any person, which word when used in this section shall include all legal entities not licensed to practice dentistry in this state, who shall advertise in any manner to the general public that he can or will sell, supply, furnish, construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth, or for the regulation thereof, shall be guilty of a misdemeanor, and the Circuit Courts shall have jurisdiction to enjoin such person from so doing.

Section 6. Section 34-9-42 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-9-42.

“The secretary-treasurer of the Board shall give bond in such sum as may be prescribed by the Board, conditioned to faithfully and honestly discharge the duties of said office according to law, which bond shall be made payable to the Board of Dental Examiners of Alabama and held in the custody of the president of said Board. The secretary-treasurer of the Board shall compile an annual report which shall contain an itemized statement of all money received and disbursed and a summary of the official acts of the Board during the preceding year, and said report shall have attached thereto a certified report and audit made by a certified public accountant of the state of Alabama. A copy of said report and audit shall be filed of record in the office of the department of finance of the state of Alabama, and a copy shall be retained by the secretary-treasurer to be rendered upon request, to the dentists at large in the state of Alabama. The Board may affiliate with the American Association of Dental Examiners, may pay dues to the said association and may send all members of the Board to the meetings of said association. Such delegates may receive the per diem herein provided for attending such meetings and reimbursement for necessary expenses audited and allowed by the Board.

Section 7. Section 34-9-43 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 34-9-43.

“The Board shall exercise, subject to the provisions of this chapter, the following powers and duties:

“(1) Adopt such rules for its government as it may deem necessary and proper;

“(2) Prescribe rules for qualification and licensing of dentists and dental hygienists;

“(3) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists;

“(4) Make rules and regulations regarding sanitation;

“(5) Formulate rules and regulations by which dental schools and colleges shall be approved and formulate rules and regulations by which training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians or any other paradecimal shall be approved;

“(6) Grant licenses, issue license certificates, teacher’s permits and annual registration certificates in conformity with this chapter to such qualified dentists and dental hygienists;

“(7) Conduct hearings or proceedings to suspend or revoke a license granted under the authority of this chapter or previous acts;

“(8) Employ such persons as it may deem necessary to assist in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service; expend such funds as may be deemed necessary therefor, and employ an attorney or attorneys, subject to the approval of the attorney general, to advise and assist in the carrying out and enforcing of the provisions of this chapter;

“(9) Investigate violations of the chapter that may come to the knowledge of the board, and institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith;

“(10) Adopt rules and regulations to carry out and make effective the provisions of this chapter;

“(11) Publish annually the rules and regulations promulgated by the board, a copy of the Dental Practice Act and a list of all persons licensed to practice under this chapter;

“(12) Attend such meetings, seminars, work shops, or events that may in any way improve the function and efficiency of the board or improve the board’s ability to enforce and carry out the provisions of this chapter.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Edwards, Willis, Crow, Smith (J),
Bowling, Rains, Carothers,
Adams (H), Dial, Shoemaker

AN ACT

To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. The terms “honey,” “liquid or extracted honey,” “strained honey” or “pure honey” as used in this act, shall mean the nectar of plants that has been transformed by, and is the natural product of the honeybee, either in the honeycomb or taken from the honeycomb and marketed in a liquid, crystalized or granulated condition.

Section 2. (a) No person shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded as “honey,” “liquid or extracted honey,” “strained honey” or “pure honey” which is not pure honey, nor may the label of any such article or product in imitation or semblance of honey, depict thereon a picture or drawing of a bee, beehive or honeycomb.

(b) No person, firm, association, company or corporation shall manufacture, sell, expose or offer for sale, any compound or mixture branded or labeled as honey which shall be made up of honey mixed with any other substance or ingredient.

(c) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed, there shall be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients, but it shall not be sold, exposed for sale, or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word “honey” in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled with the word “honey,” unless such article is pure honey.

Section 3. The word “imitation” shall not be used in the name of a product which is in semblance of honey whether or not it contains any honey. The label for a product which is not in semblance of honey and which contains honey may include the word “honey” in the name of the product and the relative position of the word “honey” in the product name, and in the list of ingredients, when required, shall be determined by its prominence as an ingredient in the product.

Section 4. Any person convicted of violating the provisions of this act shall be guilty of a Class B misdemeanor as defined in Title 13A of the Code of Alabama 1975.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-374

H.J.R. 299—Rep. Biddle

HOUSE JOINT RESOLUTION

EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

WHEREAS, on Saturday, April 25, Alabama's 10th Annual Great Stars Show will be held at the Montgomery Civic Center for the benefit of the Alabama Special Olympics; and

WHEREAS, in furtherance of this very special cause, our beloved native son, George Lindsey, has again prevailed upon a galaxy of stars to participate in his Celebrity Weekend on behalf of Alabama's special children; and

WHEREAS, it is to be noted, in deep gratitude, that Mr. Roy Clark, as in many past years, will again give unselfishly of his time and extraordinary talent to promote the Olympics for the education of these wonderful children in Alabama; and

WHEREAS, a total entertainer, Mr. Clark is a singer, instrumentalist, comedian and actor who has received numerous country music awards and has been named Instrumentalist of the Year on several occasions; as a star of such stature, he receives thousands of dollars for each appearance which he has several times forfeited to instead attend, at his own expense, the George Lindsey Celebrity Weekend; and

WHEREAS, this year, despite injuries as a result of an accident, Mr. Clark is still participating on behalf of our Special Olympics, an act of dedication, love and devotion that has earned for him a very special place in the hearts of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Mr. Roy Clark and are humble in our gratitude for the magnitude of his compassion for others.

BE IT FURTHER RESOLVED, That Mr. Clark be presented with a copy of this resolution in token of Alabama's appreciation for his generosity and in utmost commendation of his phenomenal achievement as an entertainer of worldwide renown.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-375

H.J.R. 289—Rep. Moore

HOUSE JOINT RESOLUTION

RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature notes that J. E. "Ned" Bearden of Shelby County, through the years, has exemplified all that is high and worthy in the civic, religious, social and economic life of our citizens, all for the betterment of this state; he is living proof that leadership prompted by the heart is a mark of greatness; and

WHEREAS, J. E. "Ned" Bearden, President and Chairman of the Board of First Bank of Alabaster since 1967, has been prominent in many worthwhile religious, civic and social endeavors, as member of: Board of Directors of the Federal Land Bank; Alabama Cattle-men's Association; the Masonic Lodge; the Zamora Shrine; Circus Daddy Club; the Shelby County Board of Education from 1957 to 1969 and the Shelby County Commission from 1969 to 1981; the Board of Directors of Consolidated Dairies for twenty years; and forty-year member, past president and member of the Board of Directors of Shelby County Farm Bureau; sponsor of the Alabama Policeman's Association; and Shelby County Division Chairman, United Way for Jefferson-Shelby-Walker Counties, 1980; and

WHEREAS, the Riverchase Church of Christ has recognized the spiritual commitments of J. E. Bearden, by conferring its highest

office, elder, on him; and

WHEREAS, J. E. "Ned" Bearden, by his example of unselfish devotion and energies to the betterment of his fellow human beings, has earned for him many honors; and

WHEREAS, the numerous prestigious honors conferred on J. E. Bearden for outstanding community service include: Progressive Farmer Family Award, 1963; Century Member, Boy Scouts of America 1974 and Sustaining Member, Boy Scouts of America 1980; Honorary Member of West Shelby Emergency Unit, 1975; Civitan Citizen of the Year, 1977; Leadership Award for outstanding contributions generating educational and economic growth through improvement of agriculture, home economics, 4-H programs, and the development of community facilities and services in 1977; and Man of the Year Award by the Birmingham Area Chamber of Commerce, 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with deep appreciation and heartfelt praise, we express our highest regard and esteem to J. E. "Ned" Bearden for the many outstanding contributions he has made in service to his community, church and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. J. E. "Ned" Bearden.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-376

H.J.R. 293—Rep. Whatley

HOUSE JOINT RESOLUTION

DECLARING THE WEEK OF MAY 31-JUNE 6, 1981, ALABAMA POULTRY WEEK.

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$700 million annually and accounting for over 30 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Francis Riley, Boaz, Alabama, has served as pres-

ident of the Alabama Poultry and Egg Association with dedication, honor and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31-June 6, 1981, is hereby declared to be "ALABAMA POULTRY WEEK."

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-377

H.J.R. 296—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

WHEREAS, in dedicated service to the youth of Auburn, Alabama, and in his capacity as Director of Music at Auburn High School, Mr. Tommy Goff has for 25 years served as teacher, mentor and friend to the thousands of young boys and girls who have come under his tutelage and guidance; and

WHEREAS, Mr. Goff is a graduate of Murphy High School in his native city of Mobile and a graduate also of Auburn University where he earned both his Bachelor's Degree and a Master's Degree in Music Education; he also has completed graduate studies toward a Doctoral Degree at Florida State University; and

WHEREAS, during his long and prestigious tenure at Auburn High School, Mr. Goff has been responsible for a multi-range music program which includes Marching, Symphonic, Concert and Beginner Bands, as well as a Laboratory (Jazz) Band and Music Theory Courses; and

WHEREAS, his bands through the years have received literally dozens of Superior Ratings in competition throughout the Southeast and have performed by invitation on numerous state occasions, at conferences, regional parades, festivities, and at sporting events; and

WHEREAS, Mr. Goff is also the recipient of many personal awards and honors, and has been cited for excellence by a number of professional groups and organizations; and

WHEREAS, a member and Sunday School teacher at Auburn

United Methodist Church, he also has been honored for good citizenship by the Auburn Civitans, for outstanding service by the Auburn Kiwanis Club, and he is an Honorary Member of the Auburn High School "A" Club and Honor Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Tommy Goff of Auburn, Alabama, and note with pleased concurrence the declaration of May 15, 1981, as Tommy Goff Day, so designated in gratitude for his contributions, accomplishments and dedication to the community of Auburn.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Goff on "His Day" in token of this body's warm praise and high regard.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-378

H. 97—Rep. Dial

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$70.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Auctioneers, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Auctioneers created and functioning pursuant to Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 are hereby amended to read as follows:

§ 34-4-21.

“Any person desiring to enter into the auction business and obtain a license as an auctioneer or apprentice auctioneer shall make written application for such license to the board. Each application shall be accompanied by an examination fee of \$50.00 which shall be collected from each applicant to defray the expenses of the examination. Also, a fee of \$70.00 shall be collected from each non-resident applicant who seeks licensing by the reciprocity. The application shall be submitted on forms prepared and furnished by the board.

“Each applicant for a license as an auctioneer shall be of the age of 19 years or over, and each applicant for a license as an apprentice auctioneer shall be of the age of 18 years or over and shall be a citizen of the United States. Each applicant for an auctioneer’s license must have completed a prescribed course of study at an accredited auctioneering school approved by the board and also must serve one year as an apprentice auctioneer under a licensed auctioneer in this state and must also have been the principal auctioneer in at least five auctions of either real or personal property during this period of time and furnish satisfactory proof of same to the board. His application must also be accompanied by a recommendation by his employing auctioneer. If the applicant has not completed a course of study at an accredited auctioneering school, then he will be required to serve two years as an apprentice under a licensed auctioneer, plus having been the principal auctioneer in at least 10 auctions of real or personal property.

“Any person who files an application with the board in proper manner shall be entitled to an oral and written examination to determine his qualifications. The board shall require such persons to take and pass a written and oral examination establishing in a manner satisfactory to the board that said applicant has a general knowledge of ethics, reading, writing, spelling, elementary arithmetic, elementary principles of land economics and a general knowledge of the statutes of this state relating to the bulk sales law, auctions, brokerage and the provisions of this chapter. The examination for an auctioneer’s license shall be of a more exacting nature and scope than the examination for an apprentice auctioneer. It shall also be the duty of the board through such application and examination to determine whether such applicant is of good repute, trustworthy, honest and

competent to transact the business of an auctioneer, or of an apprentice auctioneer, in such a manner as to safeguard the interest of the public.

"Any person who is a resident of Alabama and who on October 1, 1973, has a privilege license to engage in, and is lawfully engaged in business as an auctioneer and has so been engaged for a period of at least one year prior to October 1, 1973, and has been the principal auctioneer in at least five auctions of either real or personal property during this period of time, and furnishes satisfactory proof of same to the board shall not be required to take an examination, but all such persons shall be entitled to receive a license from the board under the provisions of this chapter on proper application thereof and payment of the license fee required by this chapter. Any member or officer of a partnership, association or corporation who is a resident of Alabama on September 5, 1973, is lawfully and actively engaged in the auction business under and by virtue of a privilege license theretofore issued and held by such partnership, association or corporation, shall not be required to take an examination, but all such persons shall be entitled to receive a license from the board under the provisions of this chapter upon proper application therefor and payment of the license fee required by this chapter. Such an applicant shall file his application and proof with the board no later than September 1, 1973, and the application and proof shall be accompanied by a bond and license fee in accordance with the provisions of this chapter.

"The license fee for each auctioneer shall be an amount to be determined by the board, not to exceed \$70.00, and the license fee for each apprentice auctioneer shall be \$25.00. Provided, however, that the license fees may not be increased more than \$10.00 in any given year.

"All licenses shall expire on September 30 of each year following issuance thereof and may be renewed upon payment of the appropriate license fee as required by this chapter. Renewal of such license may be effected at any time during the months indicated preceding the date of expiration. No examination shall be required for the renewal of any present or future license, unless such license has been revoked or suspended. If a licensee fails to renew his license by the deadline of each year, he may have his license renewed within 60 days after the expiration date, upon payment of the required fee. If he elects not to pay the penalty and renew his license, he shall be required to submit an application, pay the examination fee and take the examination required for new licensees.

"The board shall prepare and deliver to each licensee a license certificate and pocket card. The certificate shall be displayed openly at all times in the office of the licensee. The certificate and the pocket

card of the apprentice auctioneer shall contain his name and address as well as that of the auctioneer under whose supervision he is employed.

“When any auctioneer discharges an apprentice, or terminates his employment with the auctioneer for any reason, it shall be the immediate duty of the auctioneer to deliver or mail by registered or certified mail to the board the license of the apprentice auctioneer. It shall be unlawful for any apprentice auctioneer to perform any of the acts contemplated by this chapter, either directly or indirectly under authority of his license, until the apprentice auctioneer receives a new license bearing the name and address of his new employer. No more than one license shall be issued to any apprentice auctioneer for the same period of time.

“Written notice shall be given immediately to the board by each licensee of any change in his mailing address, whereupon the board shall issue a new license for the unexpired period. A change of mailing address without notification to the board shall automatically cancel the license previously issued. Changing a mailing address and issuance of a new license shall entitle the board to collect a fee of \$5.00. Each prior license shall be returned or accounted for to the board and in every event be canceled before the issuance of the new license. The board may require such other proof as shall be considered desirable with due regard to the paramount interest of the public in the issuance of license.

“The board shall have the power and authority to make and enforce any and all such reasonable rules and regulations connected with the application for any license as shall be considered necessary to administer and enforce the provisions of this chapter.”

“§34-4-24.

“Each application for an auctioneer’s or apprentice auctioneer’s license shall be accompanied by a bond in the amount of \$10,000.00. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state. The bond shall be made payable to the board and conditioned in the applicant’s conducting his business in accordance with the provisions and intent of this chapter. The bond shall be in a form approved by the board. No license may be issued until such a bond has been filed with the board.”

“§34-4-25.

“A nonresident of this state may become an auctioneer or apprentice auctioneer in this state by conforming to the provisions of this chapter, or in the case of a nonresident from a nonlicensing

state, such person may be licensed provided an examination is given and passed and the person has at least five (5) years experience in the auction business. Provided further, that if a nonresident auctioneer or apprentice auctioneer has a lawsuit or other legal action filed and pending against him in this or any other state, the board shall not issue a license to him until final disposition of this action, and then only at the discretion of the board. The term 'auctioneer and apprentice auctioneer' shall include any individual, firm, company, partnership, association or corporation by whom such 'auctioneer or apprentice auctioneer' shall be employed. The board may recognize a license issued by any other state to a nonresident auctioneer or apprentice auctioneer if the other state reciprocates with Alabama in like manner and if the licensing requirements of such state include the passing of an examination of equal or higher standards than those required by this state. Such nonresident licensee shall, however, be required to secure a license from the board which shall be issued upon application therefor, accompanied by payment of the license fee required by this chapter and the filing of a certified copy of the applicant's license issued by such other state. Every nonresident applicant shall file an irrevocable consent that actions may be commenced against such applicant in the proper court in the county in this state in which a cause of action may arise, in which the plaintiff may reside, by service of any process or pleadings authorized by laws of this state on the board, or a deputy to be designated by it, said consent stipulating and agreeing that said service of such process or pleading shall be begun and held in all courts to be as valid and binding as if due service had been made upon said applicant in this state. The consent shall be duly acknowledged and, if made by a corporation, shall be authenticated by the seal of such corporation. In case of any process or pleadings mentioned in this chapter being served upon the board or upon a deputy to be designated by it, duplicated copies shall be made, one of which shall be filed in the office of the secretary of the board, and the other immediately forwarded by registered or certified mail to the main office of the applicant against which said process or pleadings, are directed. No default in said proceedings or action shall be taken unless it shall be made to appear by affidavit of a member of the board, or a deputy designated by it, that a copy of the process or pleadings was mailed to the defendant as herein required. Judgment by default shall be taken in any such action or proceedings within 20 days after the date of the mailing of such process or pleadings to the nonresident defendant."

"§34-4-30.

"The board shall have power to administer oaths and to prescribe all necessary and reasonable rules for the conduct of such a hearing. The board shall have power to take testimony of any such person

by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure of courts of this state in civil cases. Such fees and mileage shall be paid by the party at whose request such witness is subpoenaed.

"If the board shall determine that the licensee is guilty under the provisions of this chapter, his license may be suspended or revoked, but in the event of an adverse decision, the accused shall have the right within 30 days to appeal therefrom to the circuit court of the county in which said violation may occur, where he shall be entitled to a trial de novo.

"The affirmative vote of a majority of the board shall be necessary to revoke or suspend a license.

"The state board of auctioneers is declared to be a quasi judicial body, and the members or its employees thereof are granted immunity from civil liability when acting in good faith and in the performance of their duties as described in this chapter."

"§34-4-50.

"With 30 days after September 5, 1973, the governor shall appoint a state board of auctioneers to be comprised of five members, three of whom shall be licensed auctioneers, to begin at the next time for appointment, one member to be appointed for a term of one year, one member to be appointed for a term of two years, one member to be appointed for a term of three years, one member to be appointed for a term of four years and one member to be appointed for five years. All subsequent appointments by the governor shall be for a term of five years, to end on the anniversary date of original appointments, except appointments to fill a vacancy which shall be for the unexpired term only. Each member of the board shall be at least 35 years of age and of good moral character. The board shall meet within 30 days of the last appointment and elect one of its members chairman, one member as vice-chairman, one member as secretary (to serve two years) and such other officers as considered necessary, and may do all things necessary and convenient for carrying into effect the provisions of this chapter. The board shall have power to make such bylaws, rules and regulations as it shall consider necessary that are not inconsistent with the provisions of this chapter or other general laws of the state. The board shall adopt a seal for its use, which shall bear thereon the words 'state board of auctioneers,' and the secretary of the board shall have care and custody thereof. Copies of all records and papers in the office of the secretary shall be received in evidence in all courts and with like effect as the originals." "No person on the Board of Auctioneers shall be eligible to conduct auctions which affect state, county or municipal property."

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-379

H. 537—Rep. Adams (C)

AN ACT

To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-1-177 of the Code of Alabama, 1975, as amended shall be and hereby is amended to read as follows:

“(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same and a facsimile of the president’s signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after Febru-

ary 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the governor. Such approval by the governor may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the Legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation

is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it now exists and as it may at any time be amended."

Section 2. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-380

S. 17—Mr. Keener

AN ACT

Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), is hereby amended to read as follows:

“Section 1. Any bank, whether incorporated or unincorporated, within the state, now or hereafter situated in, or having a branch in, Etowah County, shall have the power to establish, maintain and operate within the limits of said county, where a place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank, before the establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks and meet the requirements of the appropriate regulatory banking authorities. Provided, however, that any branch bank established under this Act must be within the corporate limits of a municipality, in Etowah County and, where the population of the municipality was less than 3,000 persons according to the last Federal Decennial Census, any branch shall be located no farther from the City Hall than three-fourths (3/4) of one mile, this provision deemed necessary for police and fire protection purposes. Provided further, that the limitation contained in the foregoing sentence shall not apply to the town of Hokes Bluff.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-381

S. 292—Mr. Weeks

AN ACT

To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-15-11, Code of Alabama, 1975, is hereby amended to read as follows:

“27-15-11. Same — Reinstatement.

“There shall be a provision that unless the policy has been surrendered for its cash value, or its cash surrender value has been exhausted or the period of any extended insurance provided by the policy has expired, the policy will be reinstated at any time within three years after the date of premium default upon written application therefor, the production of evidence of insurability satisfactory to the insurer, the payment of all overdue premiums and payment, or, within the limits permitted by the then cash value of the policy, reinstatement, of any other indebtedness to the insurer upon the policy, with interest as to both premiums and indebtedness at a rate not exceeding the rate of interest on policy loans specified in the policy, in accordance with the provisions of §27-15-8, as may be amended from time to time.”

Section 2. This Act shall become effective immediately upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-382

S. 504—Mr. Weeks

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Banks in Pike County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Begin 150 feet Southwest of intersection Highway 29 and Highway 201. Said point being 150 feet West of West right of way Highway 201. Thence South 6,200 feet, East 380 feet, to a point 150 feet East of East right of way Highway 201. Thence North 2,670 feet, Northeast 220 feet, Northwest 244 feet, Southwest 210 feet, Northwest 450 feet, East 320 feet, North 415 feet, West 340 feet, North 2,220 feet, Northeast 100 feet to point 150 feet South of South right of way Highway 29. Thence Northeast 1,750 feet, North 540 feet, Southwest 650 feet,

South 150 feet, West 4,830 feet to present East line of City Limits Line of Banks. Thence Southeast 380 feet, Northeast 250 feet, South 50 feet, Northeast 210 feet, North 50 feet to a point 150 feet South of South right of way Highway 29. Thence Southeast 2,730 feet to point of beginning. Also begin at present Southeast City Limits Line of Banks and Highway 93 Southeast right of way. Thence Southeast 240 feet, Southwest 150 feet, Southeast 138.5 feet Northeast 150 feet to West right of way Highway 93, Southeast 500 feet Southwest 150 feet, Southeast 1,690 feet, Southwest 50 feet, Southeast 450 feet, Northeast 50 feet, Southeast 1,570 feet, Southeast 680 feet, Southeast 450 feet, Northwest 1,300 feet to a point 150 feet North of railroad right of way. Thence Northwest 4,550 feet, Southwest 450 feet to point of beginning. Also tract begin at North line section 28 and West right of way Highway 29. Thence West 250 feet to point of beginning. Thence Southeast 1,000 feet, North 180 feet to present South right of way Highway 29. Thence Southeast 1,200 feet to the present Northwest City Limit Line of Banks. Thence Northeast 200 feet to the North right of way of Troy Street. Thence Northwest along present North right of way Troy Street and Seaboard Coast Line railroad right of way 1300 feet, North 160 feet, Northwest 570 feet, South 165 feet, thence Southwest 400 feet to point of beginning. Said tracts being in Sections 21, 26, 27, 28, 34, 35 Township 10 North Range 22 East.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-383

S. 569—Mr. Taylor

AN ACT

Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Wilcox County is hereby directed to purge all lists of the qualified electors in the county to

the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Wilcox County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the precinct or beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first Monday in January 1982. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Effective immediately, the board of registrars of Wilcox County is authorized and directed to commence reidentification of the qualified electors of the county. The members of the board of registrars shall meet as provided by law at least once, and more often if necessary, and remain at each location at least one day from nine o'clock a.m. until four o'clock p.m. for the purpose of enabling qualified and registered voters to reidentify themselves. The board shall give at least ten days' notice, by advertisement in all newspapers of general circulation published in the county, stating the time, date and place where they will meet. Upon failure to give such notice, or to appear as notified, after like notice, they shall repeat correctly the notice and meeting process. The board shall remain in session for thirty (30) days. During such session the board shall visit each location on at least one day and the remainder of the time may be divided as the board of registrars deems necessary to enable the qualified electors of the county to appear and reidentify themselves in the manner provided herein. No voter shall appear and reidentify himself except as provided in this Act.

Section 4. Each member of the board of registrars shall receive ten dollars per day from the county general fund, or as otherwise provided by law for special registrars, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowance for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor,

and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. A voter may reidentify himself in either one of the following ways: (a) He may reidentify himself by appearing in person at the office of the board of registrars and answering such questions and submitting such proof as may reasonably be required by the board or one of their duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) If the voter is physically handicapped, injured or incapacitated to such an extent that his or her personal appearance before the board of registrars would place an undue burden or hardship on the voter, then the voter may make a written request of the board of registrars requesting the board to furnish the necessary forms for reidentification. Such written request must be accompanied by a certificate of a duly licensed physician stating that the voter is so handicapped, injured or incapacitated. The board shall respond to all such valid requests for reidentification forms. (c) Any voter who has been purged from the list of qualified electors for failure to reidentify, may reidentify himself on any election day at the office of the board of registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 6. (a) The board of registrars shall meet on the first Monday in January 1982, for the purpose of purging the registration lists, and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists; provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Wilcox County, Alabama, during the period of time of reidentification.

(b) Following each general election, the election officers of Wilcox County shall deliver to the board of registrars a list which indicates the names of all electors who voted at such election. The board of registrars shall keep on file such listing and any qualified elector who does not vote in two or more consecutive general elections shall have his or her name removed from the list of eligible voters and may reidentify as provided in Section 5 hereof.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county for any reason stated herein shall be entitled to have his name

restored to the list of qualified electors by appearing in person at the office of the board of registrars, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself as provided in Section 5 hereof; provided further, however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be outside of Wilcox County, Alabama, during the period of time of reidentification.

Section 8. The county commissioners of Wilcox County are hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTER'S REIDENTIFICATION QUESTIONNAIRE

Wilcox County, Alabama

Date _____, 19____

Name _____

First Middle Last

Legal Residence Address _____
 _____ Street

City or Town _____

State _____

Date of Birth _____ Sex _____

Social Security Number _____

Driver's License: State _____ Number _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, Wilcox County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other state in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19____.

Registrar

Section 10. The board of registrars shall publish in the county newspaper or newspapers a map showing voting district dividing lines to assure that the voters will be informed as to which district they are to vote in.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 12. All laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as hereinabove otherwise provided.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-384

S. 571—Mr. McDonald

AN ACT

Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), is hereby amended to read as follows:

“Section 1. The governing body of Madison County is hereby authorized to incur and pay the following expenses:

“a) To or for the probate judge of said county, for meals, travel and lodging expenses incurred by that official within the State of Alabama while attending meetings and conferences intended to pro-

mote the skill and competence of the probate judge, for educational programs designed to inform probate judges, for professional dues and assessments, and professional journals; provided, however, that the expenditures hereby authorized to or for the probate judge shall not exceed \$1,000.00 in any one fiscal year.

“b) To or for the tax assessor of said county, for meals, travel and lodging expenses incurred by that official within the State of Alabama while attending meetings and conferences intended to promote the skill and competence of the tax assessor, for educational programs designed to inform tax assessors, for professional dues and assessments, and professional journals; provided, however, that the expenditures hereby authorized to or for the tax assessor shall not exceed \$1,000.00 in any one fiscal year.

“c) To or for the tax collector of said county, for meals, travel and lodging expenses incurred by that official within the State of Alabama while attending meetings and conferences intended to promote the skill and competence of the tax collector, for educational programs designed to inform tax collectors for professional dues and assessments, and professional journals; provided, however, that the expenditures hereby authorized to or for the tax collector shall not exceed \$1,000.00 in any one fiscal year.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-385

S.J.R. 108—Mr. Bailey

SENATE JOINT RESOLUTION

CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

WHEREAS, to be noted with utmost commendation are the uncommonly brave actions of Eufaula, Alabama's Willie Jones on January 31, 1981; and

WHEREAS, on that date, eleven-year-old Willie Jones is credited with saving the lives of two younger children during a fire in which three other persons perished; and

WHEREAS, officials of the Eufaula Fire Department relate that

Willie, who was awakened by the fire, helped his younger sister and brother escape the flames which totally destroyed their home and claimed the lives of their mother and two others as well; and

WHEREAS, a student at the Rebecca Comer School, Willie has been cited for bravery by the Eufaula Fire Department and presented a plaque by Mayor George Little in recognition of a courage far beyond his years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Willie Jones of Eufaula, Alabama, for outstanding courage in saving the lives of his brother and sister at the risk of losing his own.

BE IT FURTHER RESOLVED, That Willie Jones receive a copy of this resolution, tendered in tribute to his courage and his love for his family.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-386

S. 132—Mr. White

AN ACT

To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-27-7, Code of Alabama 1975, is hereby amended to read as follows:

§34-27-7.

“(a) There is hereby created the Alabama real estate commission. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. Each appointee shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or

real estate salesman. No person convicted of a violation of former Title 46, sections 298 through 311, Code of Alabama, 1940, or of this chapter shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission whose terms do not expire prior to October 1, 1951, shall serve until their respective terms expire, and at the expiration of each term, the governor shall appoint, subject to confirmation by the senate as provided above, a member to fill the vacancy, and such appointment shall be for a term of five years, or until his successor is appointed and qualifies. On October 1, 1951, the governor shall appoint or reappoint one commissioner for a period of three years and one commissioner for a period of five years, all appointments expiring on September thirtieth of the respective years, or until their successors are appointed and qualify. Thereafter, any appointment shall be for a period of five years, or until such commissioner's successor is appointed and qualified.

“(b) Immediately upon the appointment of any new commissioner, the commission shall organize by selecting from its members a chairman and may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations that are necessary to properly administer this chapter. Each member of the commission shall receive as full compensation for his services the sum of \$300.00 per month and his actual and necessary expenses incurred in the performance of duties pertaining to his office. The members of the real estate commission, the executive director and/or the assistant executive director, the attorney and the investigators shall be reimbursed for their actual expenses for official travel on official business of the real estate commission within or without the state of Alabama.

“(c) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such clerks, investigators and assistants as it shall deem necessary to discharge the duties imposed by the provisions of this chapter and to effect its purposes, and the commission shall determine the duties and fix the compensation of such executive director, assistant executive director, clerks, investigators and assistants, subject to the general laws of the state.

“(d) The commission shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission duly certified and authenticated by the seal of said commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the commission under authority of this chapter shall be open to public

inspection under reasonable rules and regulations as shall be prescribed by the commission."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-387

S. 428—Mr. Martin

AN ACT

To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par

or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-1-300 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

“§ 23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor of Alabama for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose.”

Section 2. Section 23-1-301 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

“§23-1-301.

When used in this article, the following words and phrases shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The Alabama federal aid highway finance authority, a public corporation and instrumentality of the state authorized to be organized under the provisions of this article.

(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

(3) **BONDS.** The bonds (including refunding bonds issued to refund outstanding obligations) that in this article are authorized to be sold and issued by the authority.

(4) **CORPORATION.** The authority.

(5) **GASOLINE TAX APPROPRIATION ACT.** Division 2 of article 2 of chapter 17 of Title 40.

(6) **HIGHWAY GASOLINE TAX.**

a. The excise tax levied in section 40-17-31 exclusive of those portions of said tax in respect of aviation fuel and marine gasoline, as those terms as used in said section; and

b. The excise tax levied by article 3 of chapter 17 of Title 40, exclusive of that portion of the said tax in respect of diesel fuel.

(7) **LEGISLATURE.** The legislature of Alabama.

(8) **NET GASOLINE TAX PROCEEDS.** The entire proceeds from the highway gasoline tax less the cost of collection and less any refunds of the said proceeds pursuant to the provisions of article 3 of chapter 17 of Title 40 or pursuant to the provisions of either of divisions 3 and 4 of article 2 of chapter 17 of Title 40.

(9) **NOTE.** The authority's promise to pay solely from the funds provided by this article which has a specified maturity date not later than three years after its date, which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee.

(10) **OBLIGATIONS.** Any bonds, temporary bonds or notes authorized by this article to be issued by the authority.

(11) **STATE.** The state of Alabama.

(12) **STATE SHARE OF THE NET GASOLINE TAX PROCEEDS.** The 45 percent of the net gasoline tax proceeds allocated and appropriated for state highway purposes in section 40-17-72.

(13) **TEMPORARY BOND.** Any bond issued under this article which has a specified maturity date not later than three years after its date and which recites on its face that it is issued in anticipation of the sale by the authority of bonds.

(14) **COST.** As applied to any highway construction project, all costs of construction or acquisition of any part of any such highway construction project, including, but without limitation to, the costs of supervising, inspecting and constructing any such highway construction project and all costs and expenses incidental thereto, the costs of locating, surveying and mapping, resurfacing, restoration and rehabilitation, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway-grade crossings, acquisition of replacement housing sites, acquisition, rehabilitation, relocation and construction of replacement housing and improvements which directly facilitate and control traffic flow, including grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems and passenger loading and unloading areas, and any other cost of any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the United States of America pursuant to the written agreement provided for in Section 23-1-313 of this article.

(15) **FEDERAL SHARE.** That portion of the cost of any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the United States of America pursuant to the written agreement provided for in Section 23-1-313 of this article.

(16) **PRIMARY HIGHWAY.** Any highway forming a part of a system of connected main state highways, selected or designated by the state highway department and approved by the secretary of the department of transportation of the United States of America, which system (i) shall not exceed 7% of the total highway mileage of the state, excluding mileage within national forests or other federal reservations and within urban areas, and (ii) shall consist of rural arterial routes and extensions into or through urban areas found by the state highway department as relating to interstate, statewide and regional travel."

Section 3. Section 23-1-306 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-306.

The corporation shall have the following powers:

- (1) To have perpetual succession by its corporate name

unless sooner dissolved pursuant to section 23-1-318;

(2) To commence actions and have actions commenced against it and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties;

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) To construct, reconstruct and relocate or to cause to be constructed, reconstructed and relocated interstate, defense and primary highways, including work incidental or related thereto, in the state of Alabama;

(5) To acquire by purchase, gift or condemnation or any other lawful means or any combination of such means and to convey or cause to be conveyed to the state of Alabama any real, personal or mixed property necessary or convenient in connection with the construction of interstate, defense and primary highways and approaches thereto in the state of Alabama or the reconstruction or relocation of interstate, defense and primary highways in said state;

(6) To exercise the right of eminent domain as freely and completely as, and in the same manner that, the state of Alabama is empowered to exercise such right;

(7) To borrow money for its corporate purposes and in evidence of such borrowing to sell and issue its obligations and to refund such obligations;

(8) To pledge the proceeds of the appropriations and pledges provided for in this article as security for payment of the principal of and the interest on its obligations; and

(9) To appoint and employ such officers, attorneys and agents as the business of the corporation may require."

Section 4. Section 23-1-307 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-307.

The authority shall have the power and is hereby authorized and empowered to sell and issue its bonds not exceeding \$212,000,000 in aggregate principal amount in order to provide as soon as practicable the federal share of the cost of constructing interstate and defense highways and the federal share of the cost of constructing primary highways in anticipation of the receipt by the state of such federal portions as they become available either during, upon or after completion of such construction. The authority shall have the power, in

addition to any other powers granted in this article, to borrow money for temporary use for any of the purposes for which it is authorized by this article to issue bonds and, in evidence of such borrowing, to issue from time to time, temporary bonds or notes. Any such temporary borrowing may be made in anticipation of the sale and issuance of bonds and in such event the principal proceeds from the sale of such bonds shall, to the extent necessary, be used for payment of the principal of and interest on the temporary bonds or notes issued in anticipation of the sale and issuance of such bonds. Subject to the provisions and limitations contained in this article, the authority may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured obligations of the authority issued under this article and then outstanding; provided, that the provisions of this section limiting the aggregate principal amount of bonds authorized to be issued by the authority to \$212,000,000 shall not apply to refunding bonds."

Section 5. Section 23-1-308 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§23-1-308.

Any obligations authorized by this article shall be in such forms and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner and may contain other provisions not inconsistent with this article as may be provided in the resolution or resolutions of the board of directors in which such obligations are authorized to be issued; provided, that none of the bonds shall have a maturity date later than fifteen years after its date and none of the temporary bonds or notes shall have a maturity date later than three years after its date. The authority may at its election retain in the resolution or resolutions under which any obligation is issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in the said resolution or resolutions and as may be briefly recited in the face of such obligation with respect to which such option of redemption is retained."

Section 6. Section 23-1-309 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-309.

The obligations authorized by this article shall be signed by the president or vice-president of the authority, as the board of directors shall designate, and attested by its secretary or an assistant secretary, as the board of directors shall designate; provided, that a facsimile of the signature of one but not of both of the said officers may be

printed or otherwise reproduced on any of the obligations authorized by this article in lieu of their being manually signed. All interest coupons applicable to the bonds or temporary bonds shall be signed by the president or vice-president of the authority, as the board of directors shall designate; provided, that a facsimile of the signature of such officer may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the authority shall be impressed on the bonds and temporary bonds authorized by this article; provided, that a facsimile of the said seal may be printed or otherwise reproduced in lieu of being manually impressed thereon."

Section 7. Section 23-1-310 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-310.

Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the governor of Alabama of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the governor, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the Code of Alabama of 1975, as it now exists and as it may at any time be amended."

Section 8. Section 23-1-311 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-311.

(a) The obligations authorized by this article shall not be general obligations of the authority, but shall be payable solely out of the funds appropriated and pledged in or permitted to be pledged pursuant to sections 23-1-314 and 23-1-315.

(b) As security for the payment of the principal of and interest on the obligations issued by it under this article, the authority is hereby authorized and empowered to pledge for payment of the said

principal and interest the funds that are appropriated and pledged in or permitted to be pledged pursuant to sections 23-1-314 and 23-1-315 for payment of said principal and interest.

(c) Any notes or temporary bonds issued under this article shall also be payable from the proceeds of any bonds in the anticipation of which such notes or temporary bonds are issued.

(d) All contracts made and all obligations issued by the authority pursuant to the provisions of this article shall be solely and exclusively the obligation of the authority and shall not be an obligation or debt of the state.

(e) Any obligation issued under this article, except bonds or temporary bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto, shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article."

Section 9. Section 23-1-313 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

"§ 23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the governor, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repay-

ment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded."

Section 10. Section 23-1-314 of the Code of Alabama of 1975, as heretofore amended, shall be, and hereby is, further amended to read as follows:

"§ 23-1-314.

(a) For the purpose of providing funds to enable the authority to pay at their respective maturities and due dates the principal of and interest on the obligations that may be issued by it under this article, there hereby is irrevocably pledged and appropriated each year all federal aid interstate, defense and primary highway funds to be received by the state highway department from the United States government in each of the federal fiscal years ending in 1978 to 1995, inclusive, to the extent that such funds may be required to pay the principal of and interest on such obligations, and the state highway department is hereby authorized and directed to set aside the first moneys so received in each such fiscal year and deposit the same in the sinking fund provided for in subsection (c) of this section until there shall have been accumulated therein an amount at least sufficient to pay the principal of and interest on the obligations issued by the authority hereunder which mature, are subject to mandatory redemption or otherwise become due during the 12-month period of such federal fiscal year. All federal aid interstate, defense and primary highway funds received by the state highway department from the United States government during each such federal fiscal year shall be held in trust by the state and applied to the extent required to the payment of the principal of and interest on the obligations authorized to be issued under this article.

(b) Should said federal aid interstate, defense and primary highway funds be insufficient or unavailable to pay the principal of and interest on the obligations issued under the authority of this article, at the respective maturities, mandatory redemption dates or due dates of such principal and interest, there is also irrevocably pledged to said

purpose and appropriated so much of the following as may be necessary (subject, however, to the provisions of subsection (d) of this section):

(1) To such extent and to such extent only as the funds appropriated in the first sentence of subsection (a) of this section and at the time available for such purpose (herein called "the available federal aid funds") may not be sufficient to pay at their respective maturities, mandatory redemption dates or due dates the principal of and interest on such obligations, so much as may be necessary for such purpose of those portions of the motor vehicle license taxes and registration fees that are provided to be distributed to the state pursuant to the provisions of division 1 of article 5 of chapter 12 of Title 40 remaining after payment of the costs of collection thereof;

(2) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivision (1) of this subsection may not be sufficient to pay at their respective maturities, mandatory redemption dates or due dates the principal of and interest on such obligations so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivision (1) of this subsection, of the state share of the net gasoline tax proceeds;

(3) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1) and (2) of this subsection may not be sufficient to pay at their respective maturities, mandatory redemption dates or due dates the principal of and interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivisions (1) and (2) of this subsection, of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof:

a. the excise tax levied by article 1 of chapter 17 of Title 40 on distributors and storers of motor fuel as therein defined; and

b. the excise tax levied by article 3 of chapter 17 of Title 40, exclusive of that portion of the said tax in respect of gasoline.

The term "costs of collection" as used in this subdivision shall mean that portion of the excise taxes referred to in this subdivision that may be appropriated by the legislature to the department of revenue for its operating expenses;

(4) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1), (2) and (3) of this subsection may not be sufficient to pay at their respective maturities, mandatory redemption dates or due dates the principal of and the interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivisions (1), (2) and (3) of this subsection, of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by division 1 of article 5 of chapter 17 of Title 8, that is required by the division to be deposited to the credit of the public road and bridge fund; and

(5) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1), (2), (3) and (4) of this subsection may not be sufficient to pay at their respective maturities, mandatory redemption dates or due dates the principal of and interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and to the amounts appropriated in subdivisions (1), (2), (3) and (4) of this subsection, of the receipts from the fee in respect of identification markers on motor vehicles that is provided for in section 40-17-150.

(c) All moneys hereby appropriated and pledged shall be paid into the state treasury and shall constitute a sinking fund which shall be held in trust to be used to pay the principal of and interest on the obligations. As security for the payment of the principal of and interest on the obligations issued under this article, the authority is authorized to pledge the proceeds of the appropriation and pledge provided for in this section. All pledges made by the authority shall take precedence among themselves in the order of the adoption of the resolutions making such pledges, except as may be otherwise provided in such resolutions.

(d) The pledges made of the proceeds, or specified portions of the proceeds, from the taxes and fees referred to in subdivisions (1) to (5) of subsection (b), inclusive, of this section, shall, with respect to each obligation issued hereunder, be subject and subordinate to (1) all pledges of the proceeds (or portions thereof) of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1977, by the Alabama highway authority, (2) all pledges of the proceeds, or portions thereof, of the said taxes and fees that may be hereafter made by the Alabama highway finance corporation as security for its bonds hereafter issued not exceeding \$25,000,000.00 in principal amount, and (3) any refunding bonds that may be issued by the Alabama highway authority after December 1, 1977, for the

purpose of refunding any of the bonds referred to in clause (1) of this sentence if, and only if, the aggregate amount of principal and interest that will mature with respect to such refunding bonds during any fiscal year of the state does not exceed the amount of principal and interest, with respect to the bonds refunded by such refunding bonds, that have a stated maturity during the same fiscal year, or that would have had a stated maturity during the same fiscal year if such bonds had not been refunded.”

Section 11. Section 23-1-317 of the Code of Alabama of 1975 shall be, and hereby is, amended to read as follows:

“§ 23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the governor and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute a part of the public highway system in the state."

Section 12. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 13. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 14. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-388

S. 549—Mr. McDonald

AN ACT

To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginner, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginner of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE AND INTENT. It is hereby declared to be in the interest of the public welfare that producers of cotton shall be authorized and encouraged to act jointly and in cooperation with handlers, dealers, purchasers and ginner of cotton, with the commis-

sioner of agriculture and industries and with the state board of agriculture and industries in promoting and stimulating by research, education, advertising and other methods, the increased and efficient production, distribution, use and sale of cotton and cotton products; and it is the intent and purpose of this act to authorize and provide a method and procedure for a promotional program for the cotton industry and the financing thereof pursuant to powers of the legislature as authorized by Amendment No. 388 to the State Constitution which expressly authorizes such activity.

Section 2. NOT IN RESTRAINT OF TRADE. No association, meeting or activity undertaken in pursuance of the provisions of this act and intended to benefit the Alabama cotton producers and the cotton industry in general shall be deemed or considered illegal or in restraint of trade.

Section 3. REFERENDUM AND ASSESSMENTS BENEFICIAL. It is hereby further declared to be in the public interest and highly advantageous to the economy of the state that cotton producers be permitted by referendum as hereinafter provided to levy upon themselves an assessment, and to provide for the collection thereof for the financing or contributing toward the financing of a program of research, education, advertising and other methods designed to increase or promote the efficient and economical production, distribution and marketing as well as the increased use, consumption and sale of cotton and cotton products.

Section 4. ESTABLISHMENT OF COMMISSION AND APPLICATION FOR APPROVAL TO CONDUCT REFERENDUM. Any commission, established by the mutual agreement of any two or more nonprofit associations of cotton producers, fairly and substantially representative of the producers of cotton throughout the state, may at any time after this act becomes effective, make application to the state board of agriculture and industries for certification and approval for the purpose of conducting a referendum among cotton producers of the state, upon the question of levying an assessment, collecting, expending and utilizing the same for the purpose or purposes authorized under this act and as stated in such referendum. For the purpose of determining whether the cotton producers are fairly represented by such applicant, the nonprofit associations establishing the commission or the commission shall submit to the state board of agriculture and industries for approval or disapproval a plan or system for dividing the state into six districts, each district to contain as nearly as possible the same number of acres planted to cotton during the last year immediately prior to the date of submitting such plan for which such statistics are available. The Commission shall be composed of not more than eleven members, six of whom

shall be elected representatives of the six respective districts into which the state is divided, as above provided, and the remainder shall be appointed from the state at large by the mutual consent of the nonprofit associations of cotton producers establishing the commission which applies for authorization to conduct the referendum and promotional program. Every member of the commission shall be a bona fide Alabama cotton producer. Any commission approved or certified hereunder by the state board of agriculture and industries shall be authorized to execute or carry out such a promotional program within the limits prescribed by this act, and hereinafter shall be referred to as an approved or certified commission.

Section 5. ACTION BY BOARD ON APPLICATION. Upon the filing with the state board of agriculture and industries of an application by any commission, formed by mutual agreement of two or more nonprofit associations of cotton producers, the said board shall within thirty days thereafter meet and consider the application. If it is shown by the applicant to the satisfaction of the board that the applicant is fairly and substantially representative of the cotton producers of this state, and the board shall otherwise find and determine that such application and the program proposed therein are in conformity with the provisions and purposes of this act, then, and in such an event, the board shall certify such organization as the duly delegated and authorized commission and shall likewise certify that such commission is duly authorized to conduct among the cotton producers of this state a referendum for the purpose set forth in its application which shall be consistent with the purposes of this act. In the event there is more than one pending application at any time, the board must decide between the pending applications based on the program proposed, the number and geographical distribution of cotton producer members in the applicant commission, the size, stability, potential effectiveness and fiscal soundness of the applicant commission and any organizations with which it is affiliated, the existence and effectiveness of affiliated county organizations in the applicant commission and its affiliates, and the sentiment of cotton producers as ascertained by petitions, hearings, and otherwise as may be determined by the board. No application shall be considered if another commission holds currently valid certification.

Section 6. REFERENDUM BY CERTIFIED COMMISSION. Upon being so certified by the state board of agriculture and industries, such commission shall thereupon be fully authorized and empowered to hold and conduct on the part of the Alabama cotton producers a referendum wherein they shall be entitled to vote on the question of whether or not they shall levy upon themselves an assessment under and subject to and for the purpose stated in this act. The referendum shall be conducted on a statewide basis.

Section 7. NOTICE OF REFERENDUM. With respect to any referendum conducted under the provision of this act, the duly certified commission shall, not less than thirty days before the date of such referendum, publicly announce the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified commission through the medium of an established farm publication and written notice thereof shall be given to each county agent in the area covered by the referendum.

Section 8. CONDUCT OF REFERENDUM. The arrangements for and the management of any referendum conducted hereunder shall be under the direction of the commission certified by the state board of agriculture and industries to conduct same, and such commission shall furnish all necessary ballots and arrange for the necessary poll holders. All expense and costs necessary to conduct such a referendum shall be borne by such commission.

Section 9. ELIGIBILITY TO VOTE IN REFERENDUM. Any referendum conducted hereunder may be held on a statewide basis pursuant to rules and regulations adopted by the state board of agriculture and industries for the holding of such referendum. Every producer of cotton who shall be subject to any assessment levied hereunder and who produced cotton in the crop year immediately preceding the referendum shall be entitled to one vote in the referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of ten years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this act. Votes shall be cast by secret ballot.

Section 10. MAJORITY VOTE REQUIRED. If in such referendum a majority or more of the cotton producers who are eligible to participate and who actually vote therein, shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then such assessment shall be levied and collected in the manner hereinafter provided. All cotton producers who produced cotton in the crop year immediately preceding the referendum shall be eligible to participate in said referendum. Following the referendum and within 30 days thereafter, the certified commission shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied upon the sale of cotton shall not exceed .3% of the bale value. The bale value shall be calculated on the basis of the average market price of cotton

during the August-July period of the previous year or growing season and on a bale weight of 480 pounds; however, the amount may be rounded down to the nearest number divisible by five.

Section 11. SUBSEQUENT REFERENDUMS. In the event any such referendum conducted as herein provided shall fail to receive the required number of affirmative votes from cotton producers eligible for participation and voting therein, then the certified commission conducting the said referendum shall be authorized to call another referendum for the purposes herein set forth in the next succeeding year, on the question of an assessment and promotional program for the period authorized by this act, provided no such referendum shall be held within a period of twelve months from the date on which the last referendum was held; and such commission shall call another statewide referendum for the purposes herein set forth after the expiration of ten years from the date on which the last such referendum failed to receive the required number of affirmative votes from cotton producers voting therein, and each ten years thereafter. In the event such referendum is carried or favored by the required number of eligible cotton producers participating therein and assessments in pursuance thereof are levied for the period set forth in the call for such referendum, then the commission conducting such referendum shall have full power and authority to call and conduct during, or after, the last year of such period another referendum in which the cotton producers shall vote upon the question of whether or not such assessments shall be continued or renewed for another period of time as authorized under this act. Any subsequent referendums as authorized hereunder shall be subject to all of the requirements as an original referendum conducted under the provisions of this act.

Section 12. COLLECTION OF ASSESSMENTS. In the event the required number of cotton producers approve, by a referendum as provided hereunder, the levying of an assessment upon the ginning of cotton for a promotional program, the commissioner of agriculture and industries shall, within thirty days, notify in writing every person engaged in the business of ginning cotton in Alabama that on or after the date designated in such notice, which shall not be less than thirty nor more than sixty days after the mailing of such notice by the commissioner of agriculture and industries, the amount of the assessment levied pursuant to the referendum shall be collected by all ginners of cotton when such cotton is ginned within the state.

For the purposes of this act, the word "ginner" shall mean any person, partnership, corporation or cooperative association, public or private, which gins cotton, whether for hire or for itself only.

On or before the fifteenth day after the completion of its ginning season, and in no event later than January 15 of each year, every

ginner shall remit all assessments collected pursuant to this act during the ginning season to the commissioner of agriculture and industries. If a ginner gins any cotton after January 15 in any year, then the assessment levied hereunder on such cotton shall be remitted to the commissioner of agriculture and industries not later than fifteen days after such ginning.

The books and records of all such ginner of cotton subject to the collection of assessments levied hereunder shall at all times during regular business hours be open for inspection by the commissioner of agriculture and industries or his duly authorized representative or agents for the purpose of ascertaining the accuracy of amounts remitted hereunder. The commissioner of agriculture and industries shall be entitled to deduct three percent of all sums remitted to the department of agriculture and industries under this act to defray expenses incident to collection and administration thereof. The amount thus deducted by the commissioner for expenses incident to the administration of this act shall be paid into the state treasury to the credit of the agricultural fund.

Section 13. ASSESSMENT FUNDS. The commissioner of agriculture and industries shall remit to the treasurer of the certified commission all monies paid to or collected by him on a quarterly basis between the first and fifteenth of February, May, August and November of each year, less a commission of three percent of the total amount so collected which commission shall be deposited in the agricultural fund of the state treasury. The amount so remitted to the treasurer of the certified commission shall be used and expended by such commission for a promotional program in the manner provided in this act and the rules and regulations of the commission.

Section 14. REFUND RIGHTS. Any producer of cotton against whom any assessment is made and collected under authority of this act if dissatisfied with said assessments shall have the right to demand and receive from the treasurer of the certified commission a refund of the amount of the assessment collected from such cotton producer, provided such demand for refund is made in writing within thirty days from the date on which such assessment was collected by the ginner; provided, that application for refunds of amounts collected on any cotton ginned must give the name and address of the ginner who ginned the cotton, date of ginning, invoice or weight ticket number, if any, and the amount of cotton ginned for him on which the assessment was collected. Within thirty days after the first quarterly receipt of funds from the commissioner of agriculture and industries, and thereafter within thirty days after receipt of such application, the certified commission shall, after such commission determines that the assessment was paid as claimed in the application, refund

the amount so paid as an assessment. The mailing by the commission of a valid check in the amount of such assessment, payable to the cotton producer, within thirty days after receipt of the application for refund, shall constitute a compliance with this section.

Section 15. BOND REQUIRED. Before any money is remitted by the commissioner of agriculture and industries to the treasurer of a commission as authorized under the provisions of this act, the treasurer of said commission shall furnish the commissioner a bond approved by the commissioner in the amount of not less than the estimated annual total amount of the assessments handled by such officer. The surety on said bond shall be a corporate surety company duly qualified and licensed to do business in Alabama and said bond shall be conditioned upon the faithful handling, proper accounting and properly authorized expenditure of all funds received and disbursed by the principal named in said bond.

Section 16. EXPENDITURE OF ASSESSMENTS. The funds derived from any assessments levied upon the ginning of cotton as authorized under this act shall be used and expended by the certified commission after such funds are remitted to it by the commissioner of agriculture and industries for the purpose of promoting and stimulating by advertising and other methods the increased use and sale of cotton and cotton products. Any funds expended by the certified commission not authorized by the promotional program previously approved shall be deemed as an unauthorized and illegal expenditure of such funds. All funds approved by the certified commission for expenditure for an approved promotional program for the cotton industry, as authorized under this act, are hereby appropriated for disbursement and expenditure by said certified commission to carry out any such approved promotional program or programs; and it shall not be necessary for the legislature to make any specific or general appropriation for such disbursements or expenditures nor shall such disbursements and expenditures be subject to the budget and allotment requirements of Title 41, Chapter 4, Article 4, Code of Alabama 1975, and such disbursements and expenditures shall not be restricted or subject to any other requirements for any general or special appropriations.

Section 17. JOINT PROGRAMS WITH OTHER STATES. Any certified commission may enter into agreements with like commissions, councils, boards or other agencies or non-profit associations of cotton growers of other states for the purpose of conducting a similar agricultural commodities promotional program jointly with such commissions, councils, boards or other agencies or non-profit associations of cotton growers in other states, and such certified commission shall be authorized to contribute a proportionate share

of the cost and expense necessary for such a program.

Section 18. EXAMINATION AND AUDIT. The approved and certified commission receiving and disbursing funds as herein authorized shall within sixty days following the end of each calendar year, or within a period of sixty days following the close of their fiscal year, cause an audit of their books and accounts to be conducted by a certified public accountant disclosing receipts, disbursements, expenditures and other information pertinent thereto and a copy thereof shall be forwarded to the state board of agriculture and industries for inspection and review. The examiner of public accounts of the department of examiners of public accounts of the State of Alabama shall be authorized to audit, review and otherwise investigate the receipts and disbursements of such funds in the same manner that such duties are performed for examination and audits of agencies and departments of the State of Alabama. An examination or audit as herein required to be made and submitted to the state board of agriculture and industries shall be open to public inspection. Within ninety days following the close of the certified commission's fiscal year, if it has received any funds from assessments levied and collected pursuant to this act, such commission shall publish a duly verified statement in the publication of the certified commission showing the amount so received and collected and the amount or amounts spent for each project and item.

Section 19. RULES AND REGULATIONS. The state board of agriculture and industries is hereby authorized and empowered to adopt and promulgate rules and regulations to carry out the evident intent and purpose of this act which shall include the rules and regulations governing the holding of referendums as adopted by the certified commission, the collection, deposit, handling, withdrawal and disbursements of assessments collected hereunder, and such other reasonable rules and regulations as may be necessary to effectuate the evident intent and purposes of this act. The certified commission authorized to conduct a promotional program as authorized under this act shall have a right to recommend such rules and regulations to the state board of agriculture and industries and upon receipt of such recommended rules and regulations said board shall meet within a period of not more than ninety days to consider their adoption. The certified commission shall be given at least ten days' notice in writing of any such meeting held for the purpose of adopting rules and regulations as authorized hereunder.

Section 20. DUTIES OF COMMISSIONER: REVOCATION OF CERTIFICATION. It shall be the duty of the commissioner of agriculture and industries through the facilities of the department of agriculture and industries to enforce and collect the assessment

charges levied upon the ginning of cotton as set forth under the provisions of this act and to enforce the rules and regulations of the state board of agriculture and industries relative thereto. The state board of agriculture and industries shall have authority at any time to revoke or cancel any approval or certification of a commission in the event it finds that such commission is not carrying out its promotional program in accordance with the provisions of this act and rules and regulations promulgated thereunder. Before any certification may be revoked, the certified commission shall be given notice and an opportunity to be heard by the state board of agriculture and industries upon the question of whether its certification should be revoked.

Section 21. GINNERS' PERMITS ISSUED UNDER SECTION 2-19-61, CODE OF ALABAMA 1975, ALSO CONDITIONED ON COMPLIANCE WITH THIS ACT. In addition to all other prerequisites for holding a ginner's permit issued pursuant to Section 2-19-61, Code of Alabama 1975, the holding thereof shall also be conditioned upon compliance with the provisions of this act and rules and regulations duly adopted for carrying out the requirements of this act relative to the collection and remittance of assessments on the ginning of cotton in Alabama.

Section 22. PENALTY. (a) Any ginner of cotton who willfully fails or refuses to collect and pay to the commissioner of agriculture and industries any assessment required by this act to be so collected and remitted to the commissioner shall be guilty of a Class C misdemeanor. Any ginner of cotton who fails or refuses to allow the commissioner of agriculture and industries or his authorized agents and employees to inspect and review his books and records which disclose the bales of cotton he ginned for the purpose of ascertaining accuracy of amounts of assessments collected and remitted as required under this act shall also be guilty of a Class C misdemeanor.

(b) In addition to the above penalty and notwithstanding the existence of an adequate remedy, the circuit court or any judge thereof, shall have jurisdiction for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violating any provision or requirement of this act. Actions for injunctive relief as authorized hereunder shall be filed in the name of the commissioner of agriculture and industries in the circuit court or other court of like jurisdiction in the county of residence of the person who gins cotton in violation of the provisions of this act or in the county where such violation occurs. Any restraining order or injunction issued hereunder shall be issued without a bond.

Section 23. SEVERABILITY. The provisions of this act are severable, if any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. REPEAL OF CONFLICTING LAWS. All laws or parts of laws in conflict with this act are hereby expressly repealed.

Section 25. EFFECTIVE DATE. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 8:45 A.M.

Act No. 81-389

H. 216—Reps. Johnson (R.G.),
Shoemaker, Carothers

AN ACT

Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Marking or Imprinting of drug products in finished solid oral dosage forms — required.

No drug product in finished solid oral dosage form for which a prescription is required by federal law may be manufactured or commercially distributed within this state unless it has clearly and prominently marked or imprinted on it an individual symbol, number, company name, words, letters, marking, National Drug Code, or any combination thereof, identifying the drug product and the manufacturer or distributor of the drug product.

Section 2. Descriptive material to be furnished upon request.

Manufacturers or distributors shall make available on request to the State Board of Health descriptive material which will identify each current imprint used by the manufacturer or distributor.

Section 3. State Board of Health to promulgate rules.

The department of Health shall promulgate rules for implementing the provisions of this act.

Section 4. Exemptions from Imprinting requirement.

The State Board of Health may exempt drug products from the requirements of section 1 on the grounds that imprinting is not feasible because of size, texture, or other unique characteristics.

Section 5. Exemptions for drugs compounded by a pharmacist.

The provisions of this act shall not apply to drug products compounded by a pharmacist licensed under Alabama law, in a pharmacy operating under a permit issued by the Alabama Board of Pharmacy.

Section 6. Effective Date.

This Act shall take effect upon becoming a law and shall apply to drug products manufactured after January 1, 1982.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-390

H. 503—Rep. Clark (G)

AN ACT

To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act may be cited as "The Motor Vehicle Franchise Act."

Section 2. Declaration of Purpose. The Legislature finds and declares that the distribution and sale of motor vehicles within this state vitally affect the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate motor vehicle manufacturers, distributors, dealers, and their representatives and to regulate the dealings between manufacturers and distributors or wholesalers and their dealers in order to prevent fraud and other abuses upon the citizens of this state and to protect and preserve the investments and properties of the citizens of this state.

Section 3. Definitions. For the purpose of this Act, the following terms shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. "Motor vehicle dealer" means a person operating under a dealer agreement from a manufacturer or distributor and who is engaged regularly in the business of buying, selling, or exchanging motor

vehicles in this state and who has in this state an established place of business.

2. "Dealer agreement" or "franchise" means the written contract between any new motor vehicle manufacturer and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to such agreement or contract, and pursuant to which the dealer purchases and resells the franchise product or leases or rents the dealership premises.

3. "Distributor" or "wholesaler" means a person, whether a resident or a non-resident, other than a manufacturer, who sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives within the state.

4. "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of making or promoting the sale of the distributor's or wholesaler's new motor vehicles to motor vehicle dealers or for supervising or contacting the motor vehicle dealers or prospective motor vehicle dealers.

5. "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale of the manufacturer's new motor vehicles to motor vehicle dealers or distributors or for supervising or contacting the motor vehicle dealers or prospective motor vehicle dealers.

6. "Factory branch" means a branch office maintained by a manufacturer in order to direct and supervise the representatives of the manufacturer.

7. "Distributor branch" means a branch office maintained by a distributor or wholesaler.

8. "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways which is self-propelled and farm tractors and self-propelled farm implements.

9. "Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles as a regular business or any person who is controlled by the manufacturer.

10. "Person" means an individual, firm, partnership, association, joint stock company, corporation, or other legal entity or a combination of legal entities.

11. "New motor vehicle" means a vehicle which has been sold to a new motor vehicle dealer and which has not been used for other than demonstration purposes and on which the original title has not been issued from the new motor vehicle dealer.

12. "Relevant market area" means the area within a radius of twenty (20) miles around an existing dealer or the area of responsibility defined in the franchise, whichever is greater; except that, where a manufacturer is seeking to establish an additional new motor vehicle dealer and there are one or more existing new motor vehicle dealers of the same line make within a ten (10) mile radius of the proposed dealer site, the "relevant market area" shall in all instances be the area within a radius of ten (10) miles around an existing dealer.

13. "Good faith" shall mean honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as is defined and interpreted in Section 7-2-103(1)(b), Code of Alabama 1975.

Section 4. Unfair and Deceptive Trade Practices. Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation or non-renewal of any dealer agreement or franchise, the following acts or conduct shall constitute unfair and deceptive trade practices:

1. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to coerce or attempt to coerce any motor vehicle dealer:

a. To accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

b. To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law;

c. To enter into any agreement with such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to do any other act prejudicial to said dealer, the effect of which is to reduce the motor vehicle dealer's allocation of motor vehicles or cancel or fail to renew any franchise or any dealer agreement existing between the parties other than as hereinafter provided; provided, however, that this subsection is not intended to preclude the

manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise and notice in good faith to any motor vehicle dealer of said dealer's violation of any reasonable terms or provisions of such franchise or dealer agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

d. To participate in any advertising campaign or contest, or to purchase any promotional materials, training materials, showroom or other display decorations at the expense of the dealer;

e. To refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products; provided that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer; or

f. To change the location of the new motor vehicle dealership or, during the course of the agreement, to make any substantial alterations to the dealership premises when to do so would be unreasonable.

2. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties.

3. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative:

a. To adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

b. To fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or dealer agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the state and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

c. To refuse to deliver to a motor vehicle dealer in reasonable quantities and within a reasonable time after receipt of the motor vehicle dealer's order, any such motor vehicles as are covered by a franchise or dealer agreement and specifically publicly advertised in the state by such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this Act if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, lack of available manufacturing capacity, a freight embargo or other cause over which the manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative shall have no control;

d. To cancel or terminate the franchise or dealer agreement of a motor vehicle dealer other than as hereinafter provided;

e. To fail or refuse to extend the franchise or dealer agreement of a motor vehicle dealer upon its expiration other than as hereinafter provided;

f. To offer a renewal, replacement or succeeding franchise or dealer agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer other than as hereinafter provided;

g. To offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sale to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

h. To offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler's or distributor's or manufacturer's employees, at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided,

however, that the provisions of this paragraph shall not apply to sales to a motor vehicles dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

i. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the executive management control of the motor vehicle dealer unless such change of executive management control will result in executive management control by a person or persons who are not of good moral character or who do not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, however, that where the manufacturer or distributor or wholesaler rejects a proposed change in executive management control, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within forty-five (45) days of notice to the manufacturer or wholesaler or distributor by the motor vehicle dealer of the proposed change accompanied by information reflecting the identity, business experience and affiliations, and source of investment funds of the proposed new management;

j. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the motor vehicle dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the motor vehicle dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

k. To refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license issued by the State of Alabama or a political subdivision thereof or unless such sale or transfer is to a person who is not of good moral character or who does not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however,

that where such a rejection of a transfer is made the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within sixty(60) days of notice to the manufacturer or wholesaler or distributor by the dealer of the proposed transfer accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliations and the pro forma balance sheet and source of investment funds of the proposed new dealership;

1. To unreasonably and without notice to existing motor vehicle dealers as hereinafter provided, enter into a franchise with an additional motor vehicle dealer who intends to conduct its dealership operations from a place of business situated within the relevant market area of an existing motor vehicle dealer or motor vehicle dealers representing the same line make. The appointment of a successor motor vehicle dealer at the same location as its predecessor or within a two-mile radius therefrom within two years from the date on which its predecessor ceased operations or was terminated, whichever occurred later, shall not be construed as the entering into of an additional franchise. Any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative which intends to enter into an additional franchise shall, at least sixty (60) days prior to granting such franchise, give written notice of its intention to do so to each motor vehicle dealer of the same line make within the relevant market area. Such notice shall state the date on or after which such proposed franchise shall be granted or entered into. Prior to the date set forth in said notice on or after which such franchise will be entered into, any such motor vehicle dealer may petition a court of competent jurisdiction to determine whether such appointment or proposed appointment is unreasonable in which action the manufacturer, wholesaler or distributor shall have the burden of proof that such action is not unreasonable. No bond shall be required as a precondition to entry of an injunction enjoining appointment of an additional franchise. Such petition shall be entitled to a speedy trial. In determining whether such proposed appointment is unreasonable, the court shall consider all pertinent circumstances. These may include but are not limited to:

(1) whether the establishment of such additional franchise is warranted by economic and marketing conditions including anticipated future changes;

(2) the past, present and anticipated retail sales and service business transacted by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same

line make with a place of business in the relevant market area;

(3) the investment made and obligations incurred by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

(4) whether it is beneficial or injurious to the public welfare for an additional franchise to be established.

m. To prospectively require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;

n. To prevent or refuse to give effect to the succession to the ownership or management control of a dealership upon the death or incapacity of a motor vehicle dealer to any legatee or devisee under the will of a dealer or to an heir under the laws of descent and distribution of this state unless the successor is a person who is not of good moral character or who does not meet the manufacturer's or distributor's or wholesaler's existing and reasonable capital standards and, with consideration given to the volume of the sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of succession is made, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the proposed successor within sixty (60) days of notice to the manufacturer or wholesaler or distributor by the proposed successor of his intent to succeed to the ownership or management of the dealership accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliation and the pro forma balance sheet and source of investment funds of the proposed new dealership. This Section does not preclude the owner of a new motor vehicle dealer from designating any person as his successor by written instrument filed with the manufacturer or distributor and, in the event there is a conflict between such written instrument and the provisions of this Section, the written instrument shall govern;

o. To fail to indemnify and hold harmless its motor vehicle dealers against any losses, including but not limited to, court costs and reasonable attorneys' fees, or damages arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or rescission of the sale where the complaint, claim or lawsuit relates to the manufacture, assembly or design of new

motor vehicles, parts or accessories, or other functions by the manufacturer, beyond the control of the dealer, including, without limitation, the selection by the manufacturer of parts or components for the vehicle, or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer;

p. To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer shall constitute evidence of each such order; provided that the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions or cash rebates, the amount of any such reduction or rebate received by a dealer shall be passed on to the retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either: (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law; (2) revaluation of the United States dollar, in the case of foreign-make vehicles or components; or (3) an increase in transportation charges due to increased rates imposed by common or contract carriers, shall not be subject to the provisions of this subsection;

q. To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the state;

r. To release to any outside party, except under subpoena, or as otherwise required by law or in an administrative, judicial or arbitration proceeding, any business, financial, or personal information which may be from time-to-time provided by the dealer to the manufacturer, without the express written consent of the dealer; or

s. To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the aforementioned manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any

qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership or such dealership on reasonable terms and conditions.

Section 5. Limitations on Cancellations, Modifications, Terminations and Nonrenewals.

1. Notwithstanding the terms, provisions or conditions of any agreement or franchise or notwithstanding the terms or provisions of any waiver, no manufacturer shall cancel, terminate, modify, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:

- a. Satisfied the notice requirement of this Section;
- b. Acted in good faith as defined in this Act;
- c. Has good cause for the cancellation, termination, modification, non-renewal or non-continuance.

2. Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, modification, non-renewal or non-continuance when:

a. There is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that the manufacturer first acquired actual or constructive knowledge of such failure not more than one hundred eighty (180) days prior to the date on which notification is given by the manufacturer pursuant to the requirements of this Section;

b. If the failure by the new motor vehicle dealer to comply with a provision of the franchise relates to the performance of the dealer in sales or service, then good cause shall be defined as the failure of the dealer to substantially comply with the reasonable performance provisions of the franchise if:

(1) The new motor vehicle dealer was apprised by the manufacturer in writing of such failure; and

(a) said notification stated that notice was provided of failure of performance pursuant to this law; and

(b) the new motor vehicle dealer was afforded a reasonable opportunity, for a period of not less than six (6) months, to exert good faith efforts to carry out such

provisions;

(2) Such failure thereafter continued within the period which began not more than one hundred eighty (180) days before the date notification of termination, cancellation, modification or non-renewal was given pursuant to this Section; and

3. The manufacturer shall have the burden of proof for showing that it has acted in good faith, that the notice requirements have been complied with, and that there was good cause for the franchise termination, cancellation, modification, non-renewal or non-continuance.

4. Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation, modification, or non-renewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, modification or non-renewal to the new motor vehicle dealer as follows:

a. In the manner described in subsection 5; and

b. Not less than ninety (90) days prior to the effective date of such termination, cancellation, modification or non-renewal or not less than thirty (30) days prior to the effective date of such termination, cancellation or non-renewal with respect to any of the following:

(1) filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;

(2) willful or intentional misrepresentation made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor;

(3) failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days;

(4) final conviction (including appeal) of the new motor vehicle dealer, principal owner or principal executive manager of any felony.

5. Notification under this Section shall be in writing; shall be by certified mail or personally delivered to the new motor vehicle dealer; and shall contain:

a. A statement of intention to terminate the franchise, cancel the franchise, modify the franchise, or not to renew the franchise; and

b. A statement of the reasons for the termination, cancellation, modification or non-renewal; and

c. The date on which such termination, cancellation, modification, or non-renewal takes effect.

6. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise for good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the:

a. new motor vehicle inventory of the current and previous model year which has been acquired from the manufacturer;

b. supplies and parts acquired by the new motor vehicle dealer from the manufacturer or its approved sources within seven (7) years prior to the effective date of the termination, cancellation or non-renewal;

c. equipment, signs and furnishings acquired by the new motor vehicle dealer from the manufacturer or its approved sources;

d. special tools;

e. dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal by the manufacturer. The manufacturer shall use its best efforts to locate a purchaser who will offer to purchase the facilities at a reasonable price. If the manufacturer does not locate a purchaser within a reasonable time, the manufacturer will pay the dealer an amount equivalent to the reasonable rental value of such facilities for three (3) years during which time the manufacturer shall be entitled to possession of said facilities. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall use its best efforts to locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent. If the manufacturer does not locate a lessee within a reasonable time, the manufacturer shall pay such rent for three (3) years or the remainder of the term of the lease, whichever is less and the manufacturer shall have the option to succeed to the rights of the dealer under the lease.

7. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise without good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subsections 6(a)-(d) above and for the dealership facilities, if the facilities were

required to be purchased or constructed as a precondition to obtain the franchise or to its renewal by the manufacturer. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall be liable for payment of the rent for the remainder of the term of the lease during which time the manufacturer shall be entitled to possession of said facilities. The manufacturer shall also pay the dealer fair and reasonable compensation for the value of the dealership within six (6) months after the date of termination, cancellation or non-renewal.

8. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise as a result of willful or intentional misrepresentations made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subsections 6(a)-(d) above.

9. The fair and reasonable compensation to the dealer shall be paid by the manufacturer within ninety (90) days after tender by the dealer of the items in subsections 6(a)-(d) above at the dealership premises, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

Section 6. Predelivery Obligations. Every manufacturer or wholesaler or distributor, factory branch, factory representative, distributor branch or distributor representative shall specify to the motor vehicle dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be presented to the dealer and the obligations specified therein shall constitute any such dealer's only predelivery obligations as between such dealer and such manufacturer or wholesaler or distributor. The compensation as set forth on said schedule shall be reasonable.

Section 7. Warranty Obligations To Dealers.

1. Every manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative shall specify in writing to each of its motor vehicle dealers, the dealer's obligation for warranty service on its products, shall compensate the motor vehicle dealer for warranty service re-

quired of the dealer by the manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of such work and service.

2. In no event shall such schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this Section, the principal factors to be given consideration shall be the prevailing wage rates being paid by the dealer, in the community in which the dealer is doing business, and in no event shall such compensation of a dealer for warranty services be less than the rates charged by such dealer for like service to retail customers for non-warranty service and repairs.

3. It is a violation of this Section for any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative to fail to perform any warranty obligations under the motor vehicle manufacturer's warranty, or to fail to include in written notices of factory recalls to dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects, or to fail to compensate any of the motor vehicle dealers for repairs effected by such recall.

4. All claims made by new motor vehicle dealers pursuant to this Section for such labor and parts shall be paid within thirty (30) days following their approval; provided, however, that the manufacturer retains the right to audit such claims and to charge back the dealer for any fraudulent claims for a period of two (2) years following payment. All such claims shall be either approved or disapproved within thirty (30) days after their receipt on forms and in the manner specified by the manufacturer, and any claim not specifically disapproved in writing within thirty (30) days after the receipt shall be construed to be approved and payment must follow within thirty (30) days.

Section 8. Warranty Obligations to Consumers. Every manufacturer and new motor vehicle dealer shall fulfill the terms of any express or implied warranty concerning the sale of a new motor vehicle to the public of the line make which is the subject of a contract or franchise agreement between the parties. If it is determined by a court of competent jurisdiction that either the manufacturer or new motor vehicle dealer, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award

for reasonable attorney's fees.

Section 9. Transportation Damages.

1. Notwithstanding the terms, provisions or conditions of any agreement or franchise, the new motor vehicle dealer is solely liable for damages to new motor vehicles occurring after acceptance of the new motor vehicle from the carrier and before delivery to the ultimate purchaser.

2. Notwithstanding the terms, provisions or conditions of any agreement or franchise, the manufacturer is liable for all damages to motor vehicles occurring before delivery to a carrier or transporter. If a new motor vehicle dealer determines the method of transportation, the risk of loss passes to the dealer upon delivery of the vehicle to the carrier. In every other instance, the risk of loss remains with the manufacturer until such time as the new motor vehicle dealer or his designee accepts the vehicle from the carrier.

Section 10. Free Association. Every motor vehicle dealer shall have the right of free association with other motor vehicle dealers for any lawful purpose.

Section 11. Remedies. Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, and notwithstanding any other legal remedies available, any person who is injured in his business or property by a violation of this Act by the commission of any unfair and deceptive trade practices, or because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this Act, may bring a civil action in a Court of competent jurisdiction in this state to enjoin further violations, to recover the damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Section 12. Limitation of Actions. Except as otherwise provided in Section 4(3)1, any civil action commenced under the provisions of this Act must be brought within four years after the cause of action has accrued. The cause of action shall not accrue until the discovery by the aggrieved party of the fact or facts constituting a violation of the provisions of this Act.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 15. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-391

H. 527—Reps. Penry, Letson, Bedsole,
Warren, Harper (T)

AN ACT

To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this Act, unless the context otherwise requires, the term:

“Producer” means the owner, tenant, or operator of land in this state who has interest in and who receives all or any part of the proceeds from the sale of the grain produced thereon.

“Person” means any person, firm, association, corporation or partnership.

“Grain” means corn, wheat, oats, rye, soybeans, barley, grain sorghums, or other commodities commonly referred to as grain.

“Grain dealer” means any person owning, controlling or operating a grain elevator, mill, warehouse or other similar structure or a truck or tractor trailer unit, or both, and engaged in the business of buying or receiving grain from producers for resale, for storage, or for milling or processing or any person commonly referred to as a “grain broker” engaged in the business of buying grain for resale or for milling or processing or soliciting the sale, purchase, exchange or transfer of any grain purchased from the producer thereof, who does not own, control or operate a grain elevator, mill, warehouse or other similar structure or truck or tractor trailer unit used in connection with his grain business. (A farmer of grain buying grain for his own use as seed or feed or dealers or processors of seed shall not be considered as being engaged in the business of buying grain for resale or for milling or processing.)

“Separate location” means a storage facility separate and apart from other storage facilities owned or controlled by a grain dealer. The storage facility shall be deemed a separate location when the facility is operated or controlled from offices or headquarters different from other storage facilities, even though the grain dealer owns or controls all of the offices or facilities.

Section 2. The provisions of this Act shall not apply to persons who buy for cash; that is, those who pay producers at the time of purchase in United States currency or check or their equivalent. Nor shall it apply to public warehouses required to be licensed and bonded under Sections 8-15-1 and 8-15-7.

Section 3. No person shall engage in business as a grain dealer in the State of Alabama without a license therefor issued by the Commissioner. Application for a license to engage in business as a grain dealer shall be filed with the Commissioner and shall be on a form prescribed and furnished by the Commissioner. Such application shall set forth the name of the applicant, the principal officers, if the applicant is a corporation or the active members of a partnership, the location of the principal office or place of business of the applicant and the location or locations in this State at which the applicant proposes to engage in business as a grain dealer, the kind of grain which the applicant proposes to handle, the type of business which the applicant proposes to conduct and such additional information as the Commissioner by regulation may require.

The application for an initial license may be filed at any time prior to beginning business as a grain dealer. The license shall be renewed annually on or before October 1.

The application for a license to operate as a grain dealer as defined in this Act, or a renewal thereof, shall be accompanied by a filing fee determined by the amount of grain storage capacity. The following formula shall be used to determine the filing fee:

500,000 bushels or less storage capacity \$25 each separate location.

Over 500,000 bushels storage capacity \$50 each separate location.

A person with no storage capacity is required to pay the \$25 filing fee. All license fees collected hereunder shall be deposited into the State Treasury to the credit of the Agricultural fund.

Section 4. Every person licensed as a grain dealer shall have filed with the Department a surety bond signed by the dealer as principal and by a responsible company authorized to execute surety bonds within the State of Alabama. Such bond shall be in the prin-

cipal amount to the nearest \$1,000 which is based on the amount of grain storage schedule as provided herein:

Amount of Grain Storage Capacity	Bond Requirements
150,000 bushels or less	\$ 25,000
151,000 bushels - 200,000	35,000
201,000 bushels - 250,000	45,000
251,000 bushels - 300,000	55,000
301,000 bushels - 350,000	65,000
351,000 bushels - 400,000	75,000
401,000 bushels - 450,000	85,000
451,000 bushels - 500,000	95,000
500,000 bushels - and over	100,000

Provided, that in any case the amount of the bond shall not be less than \$25,000 or more than \$100,000 for any "Person". Provided further these bond requirements will be waived upon proof to the Commissioner, such "Person" is licensed under the United States Department of Agriculture Warehouse Act.

Section 5. Such bond shall be made payable to the State of Alabama as obligee, with the Commissioner as trustee, and shall be conditioned on the grain dealer and his compliance with this Act, and shall be for the use and benefit of the producer from whom the grain dealer may purchase grain and who is not paid by such grain dealer, and shall not be cancelled during the period for which the license is issued, except upon at least 60 days notice in writing to the Commissioner. In no such event shall the total aggregate liability of surety exceed the face amount of its bond.

In lieu of the above bond requirements a grain dealer may file and maintain a bond equivalent in the form of a trust fund agreement based upon cash, or fully negotiable bonds of the United States Government or of the State of Alabama. All other provisions of the above bond requirements shall be applicable to trust fund agreements.

Section 6. Before a license shall be issued to the Applicant, he shall file with the Commissioner a certificate which shall indicate that he has a fire and extended coverage insurance policy in effect and in an amount that shall cover the grain of all depositors while in his custody for the full insurance values against loss or damage by fire, lightning, tornado, cyclones, explosions, windstorms, and such other perils as may be required by statute or the Commissioner.

The name and address of the operator and location of each "Person" in the insurance policy shall correspond with the same in the application.

Every fire and extended coverage insurance policy so filed shall contain a provision that it may not be cancelled by the principal or insurance company, except on 90 days prior notice in writing, by certified mail, to the Commissioner mailed on the same day to the principal. The cancellation shall not affect the liability accrued or which may accrue under such insurance policy before the expiration of the 90 days. The notice shall contain the termination date.

The "Grain Dealer" shall immediately notify all depositors of grain when there is a notice of cancellation of his fire and extended coverage insurance policy; and further, the Commissioner shall be responsible to assure notice of insurance cancellation is given to all depositors of grain within 30 days from date of notice from the principal or insurance company.

Section 7. Failure of a grain dealer to file a bond and insurance as hereinafter required to keep such bond and insurance in force shall be grounds for the suspension or revocation of a license issued under this Act.

Section 8. When the Commissioner has determined that a grain dealer has defaulted in payment for grain which he has purchased, the Commissioner shall determine through appropriate procedures the producers and the amount of defaulted payment and as trustees of the bond shall immediately after such determination to those who should receive the benefits. Should the defaulted amount be less than the principal amount of the bond or bonds then the surety shall be obligated to pay only the amount of the default.

Section 9. If the Commissioner is satisfied that the applicant is of good business reputation and if the bond filed by the applicant is approved the Commissioner shall issue a license to the applicant or shall renew the applicant's license.

Each person issued a license by the Commissioner under this section shall post such license in the principal office of the grain dealer in this State. A certificate shall be posted in each location where the licensee engages in the business of buying grain in the State of Alabama. Upon request by the licensee and a payment of \$10 fee therefor, the Commissioner shall issue to the licensee a certificate that a license has been issued or renewed and a bond filed as required by this Act.

Section 10. The Commissioner, through his employees, may inspect the premises used by any grain dealer in the conduct of his business at any time and the books, accounts, records, and papers of every such grain dealer shall at all times during business hours be subject to inspection by the Department. Each grain dealer may also be required to make such reports of his activities, obligations and

transactions as deemed necessary by the Commissioner as set forth in the rules and regulations.

Section 11. The Commissioner may, upon his own motion or upon the verified complaint in writing of any producer setting forth facts which if proved would constitute grounds for refusal, suspension or revocation of a license under this Act, investigate the actions of any applicant or any person or persons applying for, holding or claiming to hold a license, and upon 10 days written notice the Commissioner may suspend, revoke, or fail to renew the license of the grain dealer. This notice shall specify the exact grounds depended upon by the Commissioner for his action.

Section 12. The grain dealer, after being notified of the Commissioner's decision to suspend, revoke, refuse to renew or refuse to initially issue a license may request a hearing before the Commissioner concerning his action. Said request for hearing must be in writing and if the action taken by the Commissioner is revocation, suspension or failure to renew an existing license, said written request for a hearing, submitted by the grain dealer, if received by the Commissioner within 10 days after his notification to the grain dealer, the intended action by the Commissioner shall be stayed pending the outcome of the hearing. Failure of the grain dealer to submit written request for a hearing within 10 days after receiving notification of the Commissioner's action will, in the discretion of the Commissioner, be grounds for not staying the action of the Commissioner in suspending, revoking or failing to renew the license.

Section 13. The above hearing shall be formal and shall be held no less than 10 days after notice is given to the grain dealer of the hearing nor more than 30 days after the Commissioner has received the request for the hearing.

The Commissioner or his designated representative shall preside over the hearing and it shall be the burden of the grain dealer to show that the grounds set out in the Commissioner's letter of revocation, suspension or failure to renew would not constitute grounds to support the action taken by the Commissioner. In this hearing and all other hearings and matters contemplated under the laws which the Commissioner is responsible for regulation, he shall act in a quasi-judicial capacity.

Sworn testimony will be heard and any evidence whether hearsay or not, of probative value will be admissible at the hearing.

Any producer, at the discretion of the Commissioner demonstrating a pecuniary interest in the outcome of the hearing may be allowed to intervene as a party to the hearing. Any party to the hearing may either represent himself or be represented by counsel.

Formal rules of pleading or evidence shall not be required at the hearing but the guidelines set out for administrative Board hearing by the appellate courts of Alabama shall be followed so long as they do not conflict with the provisions of this Act or other laws, the responsibility of the Commissioner for enforcement or regulation.

Section 14. The Commissioner is authorized to issue subpoenas and to bring before the Department any person or persons in the State and to take testimony either orally or by deposition or by exhibit with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings and civil cases in the circuit courts of the State. The Commissioner is authorized to issue subpoenas duces tecum on any or all records. The Commissioner or his designee may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

Section 15. Within 10 days after the conclusion of the hearing the Commissioner shall notify all parties of his ruling. Said notification shall be in writing. Within 30 days after notification any party may appeal the Commissioner's ruling to the Circuit Court of Montgomery County. The appeal shall be heard only on the certified record of the hearing and the Commissioner's ruling shall be considered prima facie just and correct and shall not be overturned unless the Circuit Court finds that the Commissioner's action was arbitrary and capricious, not supported by the weight of the evidence or that the Commissioner erred to the prejudice of the appellant's substantial rights in his application of the law.

Appeals from action by the Circuit Court shall be directly to the Alabama Court of Civil Appeals and no security for costs shall be required of the Commissioner.

Section 16. The Commissioner, under the provisions and requirements of Section 2-2-16 of the Code of Alabama 1975, is authorized to promulgate such rules and regulations as may be necessary to carry out the intent and purpose of this Act.

Section 17. Any person who engages in business as a grain dealer without securing a license or who does not have a valid license or is in violation of this Act or the rules and regulations promulgated thereunder or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent the Commissioner or his duly authorized agent in performance of his duty in connection with this Act or its rules and regulations or any grain dealer who refuses to permit inspection of his premises, books, accounts or records as provided in this Act, besides having his license suspended, revoked or refused to be renewed, may also upon conviction thereof, be guilty of a Class "B" misdemeanor. In case of a continuing violation or violations, each day and each violation constitute a separate and distinct offense.

Section 18. It shall be the duty of each District Attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted.

Section 19. The Commissioner may apply for and the Circuit Court shall grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations promulgated under this Act notwithstanding the existence of other remedies at law. Any such injunction is to be issued without bond.

Section 20. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 22. This Act shall become effective October 1, 1981.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-392

H. 737—Rep. Minus

AN ACT

To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-16-31, Code of Alabama 1975, is hereby amended to read as follows:

“§ 5-16-31.

“(a) The board of directors of any association may at a meeting called for that purpose adopt a plan of reorganization of the association. Five copies of the proposed plan of reorganization, signed and acknowledged before an officer competent to take acknowledgments of deed, by the secretary or an assistant secretary of the association, shall be submitted to the commissioner. If the commissioner shall approve the proposed plan of reorganization, he shall endorse his

approval upon three copies thereof. Upon the approval by the commissioner of the proposed plan of reorganization, he shall file a copy thereof in the permanent files of his office, forward a copy to the secretary of state for filing and return a copy to the association. After such approval, such approved plan shall be presented to the members at an annual meeting or special meeting called for the purpose of considering and voting upon such approved plan. If at such meeting the majority of the votes cast thereat are in favor of such approved plan, the association may proceed to reorganize in accordance therewith. Five copies of the resolution adopted approving such plan of reorganization, certified by the secretary or an assistant secretary, shall be filed with the commissioner. The commissioner shall place a copy of such certified resolution in the permanent files of his office and transmit a copy to the secretary of state. Unless the plan of reorganization fixes the effective date thereof, the effective date of reorganization shall be the date upon which the commissioner accepts for filing the certified copies of the resolution of the members adopting the approved plan of reorganization. The plan of reorganization may provide for reincorporation under the existing name of the association or under a different name. In addition to all other lawful provisions, the plan may provide for the exchange of shares or accounts in the association for accounts of the reorganized association.

“(b) Without limiting the generality of the methods by which an association may reorganize, any association may:

“(1) Transfer title to any of its assets to a new association organized under this chapter solely to liquidate such assets in an orderly manner. Such liquidating association shall be in dissolution and shall dissolve in accordance with the provisions of section 5-16-32. Unless the commissioner shall otherwise approve, the board of directors of the reorganizing association shall be the board of directors of the liquidating association. The liquidating association shall pay to the reorganizing association for the assets acquired the aggregate book value of such assets on the books of the reorganizing association by issuing pro rata and delivering to the account holders and shareholders of the reorganizing association accounts of an aggregate participation value equal to the aggregate book value of the assets so acquired. The participation value of the accounts or shares of such account holders or shareholders of the reorganizing association shall be written down in an amount equal to the participation value of the account of such account holder in the liquidating association. Title to the assets transferred to the liquidating association pursuant to this section shall vest in the liquidating association by operation of law with the same legal effect as provided in section 5-16-29 in the case of merger;

“(2) Set up a ‘participating reserve’ by transferring thereto the

aggregate book value of any assets of the association. The participation value of the shares and accounts of the association then outstanding shall be reduced pro rata by an aggregate amount equal to the aggregate book value of assets so transferred to the participating reserve. The association shall issue pro rata to such shareholders and account holders nonrepurchaseable 'participating reserve accounts' of an aggregate participation value equal to the aggregate book value of assets transferred to the participating reserve. The assets so represented by the participating reserve shall be identified on the books of the association as participating reserve assets, and the aggregate book value of such assets as shown by the participating reserve shall be reported on any balance sheet of the association opposite the item 'participating reserve assets,' and such assets shall be and remain a separate fund from the other assets of the association for the sole use and benefit of the holders of participating reserve accounts. In such event, the directors shall have with respect to the liquidation of the participating reserve assets all of the powers set forth in section 5-16-32. As and when the participating reserve assets are liquidated, all proceeds therefrom shall be paid pro rata from time to time as the board of directors may determine to the holders of participating reserve accounts at the option of the board of directors either in cash or by credit upon an account of the association. If the proceeds of the final liquidating of participating reserve assets do not equal the participation value of participating reserve accounts, the loss shall be absorbed pro rata by the holders of participating reserve accounts, and the association shall have no further liability in relation thereto or arising therefrom; and

"(3) Reduce its liability to each of its account holders pro rata to the amount credited to the account of each such account holder on the books of the association in such a manner as to distribute the loss equally among such account holders whenever the losses of an association resulting from the depreciation in value of its assets or otherwise are such as to result in an impairment of capital.

"(c) All rights of and obligations to any reorganizing association shall inure to the benefit of the reorganized association and be enforceable by it and in its name, and any demands, claims or rights of action against any reorganizing association may be enforced against the reorganized association as fully and completely as they might have been enforced theretofore, and all deeds, notes, mortgages, contracts, judgments, transactions and proceedings whatsoever theretofore made, received, entered into, carried on or done by the association before the reorganization shall be as good, valid and effectual for and against the reorganized association as though such reorganization had never taken place. Upon the vote of the members of an association in approval of a proposed plan of reorganization, all pending applica-

tions for repurchase of shares or accounts shall be cancelled.

“(d) Notwithstanding any other provision of law, an existing mutual association currently operating within this State may convert to a capital stock form of organization in accordance with this paragraph and applicable regulations of the Federal Home Loan Bank Board. The Board of Directors of an association shall first adopt a plan to convert the association to the stock form. Five copies of the proposed plan of conversion shall be submitted to the Commissioner. The Commissioner shall not approve a plan unless such plan is fair to the members of the converting association and the association’s insurance of accounts will remain in effect after the conversion. If the Commissioner approves the proposed plan, he shall endorse his approval upon three copies thereof. After such approval, such approved plan shall be presented to the members at a meeting called to consider and vote upon the plan. If the majority of such votes cast at such meeting are in favor of the plan, the association may proceed to convert in accordance therewith. Five copies of the resolution adopted approving the plan of conversion, certified by the secretary or an assistant secretary of the association, together with five executed copies of the association’s proposed Stock Certificate of Incorporation approved at the meeting and executed by the association’s chief executive officer and corporate secretary, shall be filed with the Commissioner. The effective date of conversion shall be the date upon which the Commissioner endorses the executed Stock Certificates of Incorporation, which shall coincide with the date the association executes all orders for its conversion stock and issues its stock certificates. Two copies of the endorsed Certificates of Incorporation shall thereupon be transmitted to the converted association.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-393

H. 809—Rep. Coburn

AN ACT

To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or

unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Be It Enacted by the Legislature of Alabama:

Section 1. All weeds growing upon streets or sidewalks or upon private property within the city limits of Tuscumbia which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles not in usable condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, may be declared to be a public nuisance by the city governing body, and thereafter abated as provided in this Act.

Section 2. Whenever any officer or employee of the City of Tuscumbia charged with said responsibility shall report to the city governing body the existence of any condition enumerated in Section 1 hereof, the city governing body may, by resolution, if the proof be satisfactory, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which said nuisance exists by giving a legal description thereof; and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one and the same resolution.

Section 3. After the passage of said resolution, the city governing body shall cause to be conspicuously posted in front of the property on which or in front of which such nuisance exists, at not more than one hundred feet in distance apart, but not less than two in all, notices headed "Notice to Remove Public Nuisance," such heading to be in words not less than one inch in height and substantially in the following form:

NOTICE TO REMOVE PUBLIC NUISANCE

Notice is hereby given that on the _____ day of _____, 19____, the (Name of the governing body) passed a resolution declaring that a public nuisance exist upon or in front of the property on _____ (street) in said _____ (city), and more particularly described in said resolution, and that the same constitutes a public nuisance which must be abated by its removal and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such public nuisance is removed, and such cost

will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of said public nuisance are hereby notified to attend a meeting of the (name of governing body) of said (city or town) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19____.

Name of City

By _____ City Clerk

Said notice shall be posted at least five days prior to the time for hearing objections by the governing body of the city. In addition, a notice shall be mailed to the owner of the property at least five days before the meeting at which objections will be heard. Such notice mailed to the person last assessing the property for taxes according to the records of the County Tax Assessor shall be conclusively presumed to be adequate and to comply with the requirements for such notice as provided herein.

Section 4. At the time stated in the notices, the governing body of the city shall hear and consider all objections or protests, if any, to the proposed removal of said nuisance, and may continue the hearing from time to time. Upon the conclusion of said hearing the governing body, by motion or resolution, shall allow or overrule any or all objections, and if the objections are overruled with respect to any piece of property described the governing body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal with respect to such piece of property, and the decision of the governing body on the matter shall be deemed final and conclusive.

Section 5. After final action has been taken by the governing body on the overruling of any protests or objections with respect to any described piece of property, or in case no protests or objections have been received, the city governing body, by motion or resolution, shall order the abatement of said nuisance by having the nuisance referred to removed, and all necessary employees of such municipality are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such nuisance removed at his own expense providing the same is done prior to the arrival of the employees of the city to do the same.

Section 6. The city shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by it or its employees, and shall render an itemized report in writing to the city governing body showing the cost of removing such on each separate lot, or in front thereof, or both; provided, that before said report is submitted to said governing body,

copy of the same shall be mailed to the owner or owners of the property at least three days before said report shall be submitted to the governing body for confirmation.

Section 7. At the time fixed for receiving and considering said report, the city governing body shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcels of land and as thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively. After confirmation of said report, a copy shall be turned over to the appropriate official or employee of the city who is charged with the collection of taxes or assessments, whereupon it shall be the duty of said official or employee to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

Section 8. All laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-394

H.J.R. 261—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, April 23, we adjourn to meet again on Tuesday, April 28; when we adjourn on Tuesday, April 28, we adjourn to meet again on Wednesday, April 29; when we adjourn on Wednesday, April 29, we adjourn to meet again on Thursday, April 30, all dates here-

tofore stated being in the year 1981.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-395

H.J.R. 274—Reps. Zoghby, Kennedy, Parker,
Sandusky, Clark (W), Turner,
Bedsole, Stewart

HOUSE JOINT RESOLUTION

COMMENDING THE EFFORTS OF MARCH AGAINST
CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE
CITIZENS OF ALABAMA.

WHEREAS, dedicated in purpose, March Against Crime is a statewide organization of concerned citizens crusading for a return to safety in our lives and homes; and

WHEREAS, March Against Crime had its beginning in Mobile, Alabama, when Miss Lillian Jackson elected to become involved, and brought together a group of other citizens who also were willing to work to help restore safety to our society; and

WHEREAS, in seeking to identify and search out remedies to the causes of crime, March Against Crime is involved in programs designed to promote respect for law and order, to educate our children as to the destructiveness of crime and immorality and to return emphasis to the constitutional rights of law-abiding citizens; and

WHEREAS, personal incentive and pride, patriotism and dignity — all are needed qualities of life which are recognized by March Against Crime as qualities to be once again inspired if we are to combat rising crime against life and property; and

WHEREAS, this Mobile-based organization is further involved in petitioning for needed improvements in the criminal justice system, law enforcement agencies and penal institutions as important steps to be taken in their march against crime and the criminal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in concurring philosophy and belief, we most highly commend March Against Crime and voice our unanimous support of its crusade for safety and its dedicated effort to reduce crime.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Miss Lillian Jackson of Mobile, Alabama, on behalf of all those who, in worthy purpose, have joined her March Against Crime.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-396

H.J.R. 302—Reps. Stewart, Bedsole, Harper T, Kennedy, Parker, Zoghby, McMillan, Penry, Manley, Sandusky, Warren, Cates, Buskey

HOUSE JOINT RESOLUTION

RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

WHEREAS, the Port of Mobile is currently ranked ninth among the ports of the United States, and after the completion of the Tenn-Tom Waterway, the Port of Mobile will move to rival New Orleans for the Number One spot on the Gulf Coast; and

WHEREAS, the closing of the Mobile Customs Office will handicap the Port of Mobile as well as all of the Tenn-Tom Waterway because of this lost capability; and

WHEREAS, the Port of Mobile is the only port where the Customs Office has been considered for closing that will be the Gateway Port for a whole new waterway system, the Tenn-Tom Waterway which is scheduled for completion in 1986; and

WHEREAS, the opening of this new waterway is predicted to bring an additional 16.4 million tons of cargo into the Port of Mobile when it is opened; and

WHEREAS, the Port of Mobile is going to be on a new waterway involving 16,000 miles of inland navigable waters; and

WHEREAS, the Alabama State Docks is investing \$100 million into improvements to its facilities in order to handle the additional cargo which will come to the Port of Mobile as a result of the Tenn-

Tom Waterway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the President and Congress are hereby earnestly requested to take into consideration all of the many factors involved, to reconsider any planned closing of the Customs Office of the Port of Mobile and to allow this very important agency to continue to carry on its vital function for the people of Alabama and the United States.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-397

H.J.R. 307—Reps. Wyatt, Warren, McKee

HOUSE JOINT RESOLUTION

COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

WHEREAS, it is with utmost pride and pleasure that the Legislature of Alabama extends commendatory congratulations to Mr. Frank J. Sego of Montgomery, Alabama, on his election to the Board of Directors of the National Exchange Club; and

WHEREAS, Mr. Sego joined the Montgomery Exchange Club in 1966, to immediately become deeply and enthusiastically involved in service to others through active support of the programs and projects of Exchange; and

WHEREAS, consistent in leadership, he has served as President and member of the Board of Control of his Montgomery club, as Alabama District Director and as President-Elect and President of the Alabama District; Mr. Sego has been District Crime Prevention chairman and has served as a member of the National Committee on Nominations and on the National Resolutions Committee as well; and

WHEREAS, Frank Sego has been honored by Exchange as Most Outstanding Exchangite of the Montgomery Club, as the Alabama District's Most Outstanding Exchange Club Member, outstanding Alabama District Director and as National Exchange Club Outstanding District Director; and

WHEREAS, Mr. Sego, a former Executive Vice President of Montgomery's Downtown Unlimited, has extended his activities to include participation in numerous of the civic, cultural and charitable affairs of his community; he currently serves on the Board of Directors of Saint James School and he and his family are members of the First United Methodist Church of Montgomery; and

WHEREAS, Frank Sego is a close friend and associate of many members of the Legislature who have had occasion to work with him in his capacity as Public Information Coordinator for the Alabama Forestry Commission; his work with the Commission has been marked with excellence and his service, both to the Commission and to the entire State of Alabama, is extraordinary in dedication and in loyalty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Frank J. Sego on his election to the Board of Directors of the National Exchange Club and express our sincere gratitude for his dedicated service to his community and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Sego receive a copy of this resolution, tendered in praise and in expression of our warm personal regards for an outstanding Alabamian.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-398

H.J.R. 308—Reps. Dixon, Turnham, Manley, Holmes, McCorquodale, Barton, Bowling, Brakefield, Cates, Cheatwood, Cosby, Daniels, Edwards, Gilmer, Hall, Harvey, Howard, McKee, McMillan, Mitchell, Olive, Parker, Payne, Penry, Rains, Riddick, Shavers, Smith (C), Waggoner, Warren

HOUSE JOINT RESOLUTION

DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

WHEREAS, the Congress of the United States has passed Joint

Resolution 182; and

WHEREAS, this resolution designates April 26, 1981, as Vietnam Veterans Recognition Day; and

WHEREAS, the American Legion of Alabama joins in urging all veterans groups to observe this day in honor of Vietnam Veterans; and

WHEREAS, Alabamians have always shown their patriotism by supporting our nation's veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That April 26, 1981, be designated "Vietnam Veterans Recognition Day" in Alabama.

BE IT FURTHER RESOLVED, That all citizens join in recognizing the sacrifices made by these veterans through their service to their country.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. S. Rex Luna with the American Legion in Huntsville and Mr. James V. Merlini to show our gratitude and deep appreciation for their service to the nation and to Alabama.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-399

H.J.R. 309—Rep. Minus

HOUSE JOINT RESOLUTION

DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW."

WHEREAS, State Representative George Clark and State Senator Mac Parsons have for years fought hard to bring about increased local support for consumer protection; and

WHEREAS, they have brought to the attention of both the Legislative and executive branches of government the lack of regulatory laws in the area of protection of the consumer; and

WHEREAS, Alabama was the last state in the nation to pass a law on the aforementioned subject; and

WHEREAS, Representative Clark and Senator Parsons successfully passed H.B. 223 during the 1981 Regular Session, which regulates the area of consumer protection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H.B. 223 is hereby designated as "The Clark-Parsons Consumer Protection Law."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Representative Clark and Senator Parsons with our deep appreciation for a job well done.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-400

H.J.R. 310—Reps. Holmes, Langford, Wyatt,
McKee

HOUSE JOINT RESOLUTION

NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCIL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL."

WHEREAS, Montgomery County native Lucious Wesley Smiley received his high school education at Alabama State University Laboratory High School and is a graduate of Alabama State University with a B.S. Degree in Science and Mathematics; he earned a Master's Degree in Education from Pennsylvania State University; and

WHEREAS, Mr. Smiley studied additionally on the post graduate level earning credits at Pennsylvania State University in Administration, Supervision and Technical Education, and also attended several army service schools including Officers' Candidate School in the Corps of Engineers at Fort Belvoir, Virginia; and

WHEREAS, During World War II, Mr. Smiley distinguished himself in service in the Pacific Theatre and was discharged as a Major, Corps of Engineers; he also served his country during the Korean Conflict and was discharged as a Lieutenant Colonel; and

WHEREAS, during his professional career, Mr. Smiley was a teacher of Science and Mathematics at Academy Street High School in Troy, Veterans Coordinator in Montgomery, Diversified Occupations Coordinator at Carver High School in Montgomery, Itinerant Teacher Trainer in Trade and Industrial Education at Alabama A&M University, and for eight years was Assistant State Supervisor of Trade and Industrial Education with the State Department of Education in Montgomery; and

WHEREAS, Mr. Smiley's numerous awards and honors include Life Membership in the American Vocational Association, presented by the Alabama Vocational Trade and Industrial Teachers Association, and a plaque for Outstanding Service by the Trade and Industrial Clubs of Alabama; and

WHEREAS, he was largely responsible for the planning and development of the H. Council Trenholm State Vocational Technical School and was appointed in 1965 as the director of said institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for Mr. Smiley's long years of service in the field of education, most particularly in the Trade, Industrial and Vocational areas, we hereby name and designate the Administrative Building at the H. Council Trenholm State Vocational Technical School in Montgomery, Alabama, as "Lucious W. Smiley Hall."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said building as "Lucious W. Smiley Hall" and that a copy of this resolution shall be provided for appropriate display, evidencing this body's posthumous recognition of Lucious Wesley Smiley as one of our state's most prominent educators.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-401

H.J.R. 312—Reps. Bedsole, Sandusky, Stout,
McMillan, Penry, Harper (T),
Clark (W), Stewart, Kennedy

HOUSE JOINT RESOLUTION

INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Jimmy Buffett grew up in Mobile, Alabama, graduated from McGill High School of that city and also attended Auburn University; and

WHEREAS, Jimmy Buffett is now a composer and recording artist of international fame whose songs, such as "Come Monday," "Margaritaville," and "Cheeseburger in Paradise," have sky-rocketed to the top of the charts; and

WHEREAS, as Alabama's gift to the entertainment world, Jimmy Buffett, as a gift to his home state, recently recorded and released "Stars Fell on Alabama" with the result that yesteryear's classic is now one of this year's biggest hits; and

WHEREAS, even as the first release of "Stars Fell on Alabama" brought fame to our state, Jimmy Buffett has once again turned the spotlight of the world on the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would indeed be most highly honored if Mr. Jimmy Buffett would consent to appear, in performance, at his earliest convenience, before a joint session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Mr. Buffett be advised, by copy of this resolution, of our cordial invitation and that we eagerly anticipate his acceptance.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-402

S. 195—Mr. Teague

AN ACT

To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-21, Code of Alabama, 1975, is hereby amended to read as follows:

" §32-9-21. Maximum permissible length and width of motor bus.

(a) The term "motor bus," wherever used in this section, shall mean any motor-propelled vehicle used on the highways of this state for the transportation of passengers for hire.

(b) It shall be lawful to drive or operate upon any highway in this state any motor bus which shall not exceed 40 feet in length, and eight and one-half (8½) feet in width, but exclusive of detachable wind deflection devices which have been approved by the state highway department, and safety equipment.

(c) Nothing contained in this section shall be construed to change in any way any law affecting the regulation of any motor bus except with respect to the maximum permissible length and width thereof."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-403

S.J.R. 150— Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

WHEREAS, The Legislature notes with mixed feelings that the Capitol reporter for the Alabama Journal, Lou Elliott, will soon be leaving Montgomery for a new position with the Pensacola Journal; and

WHEREAS, We rejoice in her advancement, but regret very much that we will no longer be graced with her astute coverage of events on Goat Hill; and

WHEREAS, Lou has been with us since 1976, having worked previously on newspapers in Jackson, Mississippi and New Orleans; and

WHEREAS, She has been very active in the journalism fraternity, Sigma Delta Chi, and even more importantly, in the Friday Club; and

WHEREAS, Lou Elliott has seen the Legislature at its worst and at its best, warts and all, and has always reported its activities with sensitivity and fairness; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish Lou Elliott Godspeed in her new position in Pensacola, in the full knowledge that she will do the same splendid job for her new employers that she has done in Montgomery.

BE IT FURTHER RESOLVED That she be presented with a copy of this resolution as a token of our affection and esteem.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-404

S.J.R. 151— Messrs. Gulledge, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

WHEREAS, Hurricane Frederic was responsible for causing widespread damage to the forests of Southwest Alabama; and

WHEREAS, the timber interests in Southwest Alabama were practically devastated monetarily by the winds of Hurricane Frederic; and

WHEREAS, it was foreseen that future timber supplies would

become inadequate causing increased prices and economic hardship on the general public; and

WHEREAS, a Hurricane Frederic Reforestation Project was established to provide free seedlings to those affected landowners who would reforest their damaged lands; and

WHEREAS, Ray Sandretto of Union Camp Woodlands was Project Leader, Robert Kucera was coordinator for the Alabama Forestry Commission, Vernon Baugh of Scott Paper Company was Mobile County Reforestation Chairman, Alan Bruce and Phil Woods of American Can Company were Choctaw and Clarke County Reforestation Chairmen, and Wendell Johnson and Charlie Sanders of St. Regis Paper Company were Baldwin and Washington County Chairmen; and

WHEREAS, these individuals provided unselfish and dedicated service above and beyond their regular duties in connection with reforesting the land devastated by Hurricane Frederic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend these individuals and companies for tireless effort and unselfish dedication in providing disaster relief in the aftermath of Hurricane Frederic resulting in the planting of eleven (11) million trees in Southwest Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the above persons in recognition of his service and dedication and that he may be aware of our commendation of him.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-405

S.J.R. 154—Mr. Robertson

SENATE JOINT RESOLUTION

DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS - MARRIAGE AND FAMILY WEEK.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, The Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 3 - 10, 1981, also be designated "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That each family be encouraged to consider the joy and benefits of a drink-free life style.

RESOLVED FURTHER, That the Honorable Fob James, Governor of Alabama, issue a proclamation also designating May 3-10, 1981, "Alabama Alcohol Awareness - Marriage and Family Week."

BE IT FURTHER RESOLVED, That a suitably prepared copy of this resolution be transmitted to the Alabama Citizens Action Program (ALCAP).

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-406 S.J.R. 156—Messrs. deGraffenried and Robertson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MISS ROSEMARY LACKEY OF TUSCALOOSA, ALABAMA.

WHEREAS, in sorrow and deep regret, the Legislature of Alabama notes the tragic death of Miss Rosemary Lackey of Tuscaloosa, Alabama, on April 14, 1981, at the age of just 22 years; and

WHEREAS, Miss Lackey, who at the time of her death was a member of the faculty of the Crumley Chapel Elementary School in Jefferson County, was a native of Tuscaloosa and the beloved daughter of Judge and Mrs. Louis H. Lackey; and

WHEREAS, a 1976 graduate of Tuscaloosa High School, Rosemary Lackey also graduated, cum laude, from the University of Alabama where she was a member of Alpha Delta Pi sorority; and

WHEREAS, she was a member of the First Presbyterian Church of Tuscaloosa and, during her high school and college years, was a member of numerous social, academic and service organizations; and

WHEREAS, as one who loved life and all its joys, Rosemary Lackey also loved people which affection was returned in full measure by all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for her life, we grievously mourn the death of Rosemary Lackey of Tuscaloosa, Alabama, and extend our deepest and sincere sympathy to all her family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to her parents, Judge and Mrs. Louis H. Lackey, that they and their son, Trey Lackey, and other family members may know we truly and deeply share the sorrow of their great loss.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-407

S.J.R. 158— Messrs. deGraffenried, Bailey, Barron, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRESIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

WHEREAS, it is with utmost pleasure, and in enthusiastic concurrence, that the Alabama Legislature notes the appointment of Senator Charles W. Britnell as President of Northwest Alabama State Junior College at Phil Campbell, Alabama; and

WHEREAS, our good friend and colleague, Charlie Britnell, is eminently qualified for this prestigious position as a graduate of David Lipscomb College, and of North Texas State University where he received a Master's Degree in guidance and counseling; he has studied additionally on the graduate level in pursuit of his doctorate in student personnel services in higher education at the University of Alabama; and

WHEREAS, a former real estate broker and building contractor, he is now a member of the faculty of the institution he has been chosen to direct; and

WHEREAS, Mr. Britnell also is a minister of the North Highlands Church of Christ and has further distinguished himself in service to the Legislature and the State of Alabama since his 1978 election to the Alabama Senate, District 2, representing Marion, Lamar and Fayette Counties and portions of Franklin and Colbert Counties, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and most highly commend Senator Charles W. Britnell as President of Northwest Alabama Junior College, and direct that he be presented with a copy of this resolution in token of our warmest personal regard.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-408

S.J.R. 161—Mr. Barron

SENATE JOINT RESOLUTION

COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

WHEREAS, our state employees perform innumerable vital and necessary services for the general public of the State of Alabama; and

WHEREAS, a staggering amount of work is routinely and skillfully processed on a daily basis by state employees who conscientiously and consistently discharge their duties and responsibilities in a professional and competent manner; and

WHEREAS, the quality of these services has never been compromised, regardless of circumstances, as our state employees take great pride in their performance on the job; and

WHEREAS, in recent weeks there have been regrettable misunderstandings concerning a number of executive and legislative proposals that might well have an effect on the compensation and benefits of state employees; and

WHEREAS, morale among state employees has understandably been low in recent weeks due to a preponderance of rumors throughout this legislative session; and

WHEREAS, the vast majority of state employees have maintained their composure and have in no way allowed such rumors to adversely affect their productivity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state employees of Alabama are hereby commended for their continuing dedicated service to state government; we stand in tribute to their loyalty, in praise of their perseverance, and express our heartfelt gratitude for their labors on behalf of the State of Alabama and its citizens.

Approved May 5, 1981

Time: 11:00 A.M.

Act No. 81-409

H. 359—Reps. Roberts, Carter

AN ACT

To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of terms. As used in this Act, the following

terms shall have the meanings ascribed to them in this section unless clearly indicated otherwise:

(a) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the State of Alabama.

(b) "Distributor" means any person engaged in the business of making sales of fireworks to a bona fide wholesaler.

(c) "Wholesaler" means any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(d) "Retailer" means any person engaged in the business of making sales of fireworks to consumers.

(e) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, copartnership or one or more individuals.

(f) "Person" includes any corporation, association, copartnership or one or more individuals.

(g) "Permit" means the written authority of the state fire marshal issued under the authority of this Act.

(h) "D.O.T. Class C Common Fireworks" means all articles of fireworks as are now or hereafter classified as D.O.T. Class C, Common Fireworks in the regulations of the U. S. Department of Transportation for the transportation of explosive and other dangerous articles.

(i) "Special fireworks" means all articles of fireworks that are classified as Class B explosives in the regulations of the U. S. Department of Transportation regulations and shall include all articles classified as fireworks other than those classified as Class C.

Section 2. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the State of Alabama, except as herein provided, any item of fireworks, without first having secured the required applicable permit, as a manufacturer, distributor, wholesaler, or retailer, from the state fire marshal, possession of said permit being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into or within the State of Alabama, except as herein provided. This provision applies to nonresidents as well as residents of the State of Alabama.

Prior to engaging in the manufacture or sale within the State of Alabama, or shipment into the State of Alabama, of any fireworks, each person must make application on forms secured from the state fire marshal for a permit or permits required under this Act for each location at which fireworks are to be offered for sale.

A manufacturer's permit issued under this Act shall be subject to rules and regulations promulgated by the state fire marshal to govern manufacture of fireworks as in his judgment the public welfare may require.

The decision of the state fire marshal as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year or any fraction thereof and shall expire on December 31 of each year; two (2) days of grace shall be allowed holder of permits, after the expiration thereof. Permits issued to retailers must be displayed in their place of business. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any other person or under a permit issued for another location, unless transfer shall have been approved by the state fire marshal.

The state fire marshal is authorized and directed to charge for permits issued as follows: manufacturer - \$750.00; distributor - \$750.00; wholesaler - \$250.00; retailer - \$25.00; display - \$1.00.

Only holders of a retailer permit will be authorized to engage in the retail sale of permitted items as defined in Section 8 of this Act, in any quantity, to consumers.

A holder of a manufacturer's permit will not be required to have any additional permit or permits in order to sell to distributors, wholesalers, or retailers.

A record of all sales by manufacturers, distributors or wholesalers must be kept showing the names and addresses of purchasers. All fees collected for said permits shall be paid into the Fire Marshall Fund for the enforcement of this Act. The state fire marshal may designate a deputy fire marshal as the "Fireworks Enforcement Officer" who shall have the responsibility of directing enforcement of the state fireworks laws.

The state fire marshal is charged with the enforcement of this Act and may call upon any state or county or city peace officer for assistance in the enforcement of this Act. The fire marshal is not authorized to promulgate rules or regulations in conflict with or that go beyond the scope or intent of this Act.

Section 3. The state fire marshal shall assign a number to each

permit issued and each holder of a permit of any of the classes hereinabove provided shall imprint or affix the same to all purchase orders, delivery receipts and invoices issued or used by each manufacturer, distributor or wholesaler.

Section 4. No person shall deliver, sell or ship fireworks into or within the State of Alabama unless consignee produces the required permit or evidence that consignee holds said permit. No person shall purchase fireworks from another person without first requiring proof that the proper permit required of the seller herein has been obtained and is current and valid. Each holder of a permit under the provisions of this Act shall keep an accurate record of each shipment received. Each holder of a permit as distributor or wholesaler shall keep a record of each sale, delivery or out shipment of fireworks. Such records shall be clear, legible and accurate, showing the name and address of the seller or purchaser, item and quantity received or sold. Such records are to be kept at each place of business and shall be subject to examination by the state fire marshal or his deputies who shall have the authority at any reasonable time to require any manufacturer, distributor, wholesaler, or retailer to produce records for the current year and the immediately preceding full calendar year.

Section 5. Notice to judge of probate. The state fire marshal may revoke any permit issued under the provisions of this Act upon evidence that the holder has purchased, received, sold, used, shipped or caused to be shipped any illegal fireworks in violation of this Act. Notice must be given in writing to the holder of a permit stating cause of revocation; if permit revoked is for a business located within Alabama, a copy of said notice of revocation must be supplied to the judge of probate of the county in which such permit holder's business is located.

The state fire marshal, in his discretion, may refuse to issue another permit to the holder of a permit which has been cancelled or revoked for the possession or sale of illegal fireworks for a period not to exceed three (3) years.

Section 6. The issuance of the permit herein required does not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter provided by law. Before the issuance of any state and county licenses, the judge of probate shall require each applicant for a fireworks license to exhibit a permit or furnish other definite and satisfactory evidence that a proper permit has been issued to applicant by the state fire marshal and that said permit is current and valid. No permit shall be issued to any applicant who does not show proof of a current and valid sales tax number.

Section 7. Nothing in this Act shall be construed as applying

to the shipping, sale, possession and use of special fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations governing this type of fireworks by the Alcohol, Tobacco and Firearms Division of the U. S. Treasury Department, and their requirements met and any permit or license required by them secured before application for a state display permit is made. Application for a state permit for public display must be made in writing to the state fire marshal at least 10 days before display date. The application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. If the said display is to be performed within the limits of a municipality, the application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of such municipality. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession and sale of special fireworks shall be limited to a holder of a federal license issued for display fireworks. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a distributor's permit only.

Section 8. It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use within the State of Alabama, or ship into the State of Alabama, except as provided in Section 7 of this Act, any pyrotechnics commonly known as "fireworks" other than items now or hereafter classified as Class C Common Fireworks by the U. S. Department of Transportation and/or those items that comply with the construction, chemical composition, and labeling regulations promulgated by the U. S. Consumer Product Safety Commission and permitted for use by the general public under their regulations.

Permitted items designed to produce an audible effect are confined to small ground items which include firecrackers not over 1-1/2" in length and 1/4" in diameter and containing not over 50 milligrams of explosive composition and aerial devices containing not over 130 milligrams of explosive composition. Propelling or expelling charge consisting of a mixture of charcoal, sulfur and potassium nitrate are not considered as designed to produce an audible effect.

Items permitted and for which a permit is required shall include related items not classified by the D.O.T. as Common Fireworks, but identified under their regulations as Trick Noisemakers, Toy Novelties, Toy Smoke Devices and Sparklers, and shall include Toy Snakes, Snappers, Auto Burglar Alarms, Smoke Balls, Smoke Novelty items, and Wire Sparklers containing not over 100 grams of composition per item. Sparklers containing any chlorate or perchlorate salts may not

exceed 5 grams of composition per item.

Section 9. All items of special Class B Commercial type ground salutes commonly known as Cherry Bombs and various tubular salutes which exceed the limits of permitted Class C items as to size and/or explosive composition designed to produce an audible effect referred to in Section 8 of this Act, are expressly prohibited from shipment into, manufacture, possession, sale and use within the State of Alabama for any purpose.

Section 10. No permissible article of fireworks or related items defined in Section 8 shall be sold, offered for sale or possessed within the state or used within the state, except as provided in Section 7 unless it shall be properly named to conform to the nomenclature of Section 8 hereof. Items must be identified on the shipping cases and by imprinting on the article or retail sales container or unit "DOT CLASS C Common Fireworks" or other appropriate classification or identification as may be applicable or required by any federal agency having jurisdiction over fireworks on related items, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

Section 11. Permissible items of fireworks, defined in Section 8, may be sold at retail to residents of the State of Alabama. The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, model rockets, emergency signal flares, matches, cone, bottle, tube and other type serpentine popoff novelties, trick matches and cigarette loads, the sale and use of which shall be permitted at all times without a special fireworks permit.

Section 12. Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes, within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks - no smoking" in letters not less than four (4) inches high.

No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use unless kept in the original unbroken containers, nor within 50 feet of where resin, turpentine, gasoline, or other inflammable substance which may generate inflammable vapors is used, stored or sold.

Any fireworks devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source.

No retail permit shall be issued for the sale of fireworks at retail from tents or from or in a motor vehicle or from a trailer towed by a motor vehicle. No permit shall be issued to an applicant until the premises where fireworks are to be stored or sold have been inspected by the state fire marshal or his designated representative and it shall have been determined that such building and facilities within the building meet reasonable safety standards for the storage and sale of permissible fireworks.

Section 13. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or irresponsible person. Any person purchasing fireworks shall be required to show a valid driver license or state approved identification card. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, any enclosed building, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.

Section 14. Nothing in this Act shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

Section 15. Any individual, firm, partnership or corporation that violates any provisions of this Act other than Section 9 shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) or imprisoned for not less than thirty (30) days, or more than ninety (90) days, or both, in the discretion of the court.

Provided, however, that any person convicted of manufacturing, shipping into, possessing or selling any illegal fireworks described in Section 9 of this Act shall on subsequent violations be guilty of a felony and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not less than one (1) year or more than three (3) years, or both, in the discretion of the court.

Section 16. The state fire marshal shall seize as contraband any fireworks other than the permitted "Class C Common Fireworks" and related items defined in Section 8 hereof or "special fireworks"

for public displays as provided in Section 7 hereof, which are sold, displayed, used, or possessed in violation of this Act. The fire marshal is authorized to destroy any illegal fireworks so seized.

Section 17. This Act shall in no wise affect the validity of any local act now or which may hereafter be enacted or any city ordinance further prohibiting or restricting the sale or use of fireworks.

Section 18. Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks, are hereby expressly repealed; and any other laws or parts of laws in conflict herewith are also repealed.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 4:15 P.M.

Act No. 81-410

H. 473—Reps. Smith (C), Whatley, Letson

AN ACT

To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Constitutional Amendment No. 327 of the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the promotion of, the production, research, distribution, marketing, use, improvement and sale of swine and swine products. The legislature may provide for the promotion of swine and the swine industry by research,

education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of swine may by referendum held among the swine producers in this state levy upon themselves and collect assessments, fees, or charges upon the sale of swine for the financing of any promotional program or activity in cooperation with processors, dealers and handlers, of swine and swine products. The legislature may make provisions for the nonpayment of assessments by swine producers and shall make provisions for the refund of assessments to any swine producer dissatisfied with the assessment program. The legislature shall provide for the collection and distribution of any such assessments or charges by dealers, handlers, processors and purchasers of swine and swine products and provide penalties for failure to make collection and distribution of such assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of swine and swine products to administer and carry out such promotional program which shall include the conducting of elections or referendums among swine producers. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum and the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon swine and swine products.

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current

session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House March 26, 1981

Passed the Senate as amended May 5, 1981

House concurred in Senate amendment May 6, 1981

Act No. 81-411

H. 474—Reps. Letson, Cooley, Roberts,
Blake, Shoemaker, Smith (C),
Williams, Johnson (R. G.)

AN ACT

To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Constitutional Amendment No. 315 of the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of soybeans. The legislature may provide for the promotion of soybeans and soybean products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promo-

tional activity by prescribing a procedure whereby producers of soybeans may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of soybeans for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of soybeans. The legislature may make provisions for the nonpayment of assessments by soybean producers, and shall make provisions for the refund of assessments to any soybean producer who does not desire to participate in an assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of soybeans and soybean products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of soybeans. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon soybeans.

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 26, 1981

Passed the Senate as amended May 5, 1981

House concurred in Senate Amendment May 6, 1981

Act No. 81-412

H. 14—Rep. Bedsole

AN ACT

To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission to read as follows:

“Section 2. There is hereby created the Mobile Tree Commission to consist of eight (8) members, each such member to be appointed by the governing body of the City of Mobile from a panel of three (3) persons nominated by each one of the bodies named below: the Historic Mobile Preservation Society, Inc.; the Federated Garden Clubs of Mobile County, Inc.; the Mobile Azalea Trail, Inc.; the Tourist Committee of the Mobile Area Chamber of Commerce; the Allied Arts Council of Metropolitan Mobile, Inc.; the Mobile Historic Development Commission; the South Alabama Horticultural and Botanical Society; Mobile United; and an Ex-officio member to be the Mobile County urban forester.

One of the Commissioners who is first appointed shall be designated to serve for a term of five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year, respectively, from the date of their appointment. The Commissioner who is first appointed from the panel nominated by the Mobile Historic Development Commission shall be designated to serve for a term of five (5) years from the date of his appointment. The Commis-

sioner who is first appointed from the panel nominated by the South Alabama Horticultural and Botanical Society shall be designated to serve for a term of four (4) years from the date of his appointment. The Commissioner who is first appointed from the panel nominated by Mobile United shall be designated to serve a term of three (3) years from the date of his appointment. Following the completion of the original terms of service, each Commissioner shall serve for a term of five (5) years. Each Commissioner shall serve until his successor takes office, and any vacancies shall be filled by appointment from a panel nominated by the same entity which nominated the predecessor commissioner. Four Commissioners shall constitute a quorum.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-413

H. 337—Reps. Shoemaker, Dial, Kelley,
Johnson (R. G.)

AN ACT

To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 20-2-93, Code of Alabama 1975, is hereby amended to read as follows:

“Section 20-2-93.

(a) The following are subject to forfeiture:

“(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter;

“(2) All raw materials, products and equipment of any kind which are used or intended for use in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of this chapter;

“(3) All property which is used or intended for use as a container

for property described in subdivisions (1) or (2) of this subsection;

“(4) Lawful currency (money) of the United States of America seized:

“a. On or within any conveyance, including aircraft, vehicles or vessels, when the same are being used or intended for use to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivisions (1) or (2) of this subsection;

“b. On the person of any human being found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;

“c. Inside the room, closet, hallway, passageway or other intermediate area of any building of any type whatsoever, wherein any human being is found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;

“d. Inside any piece of baggage, bag, package or container within the intermediate proximity of any human being found in the act of selling or receiving, or attempting to sell or receive, any property described in subdivisions (1) or (2) of this subsection; provided, however, that:

1. No lawful currency (money) of the United States of America shall be condemned and forfeited, wherever seized, except by an affirmative finding by the trier of fact, either the Court or jury as the case might be, to the following interrogatory – “The (Court) (jury) is reasonably satisfied from the evidence and inferences attendant thereto that the money in issue was used, or intended for use, in a transaction which would be a violation of the Alabama Controlled Substances Act.

“(5) All conveyances, including aircraft, vehicles or vessels, which are used or intended for use to transport in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivisions (1) or (2) of this subsection; provided, however, that:

“a. No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter:

“b. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have

been committed or omitted without his knowledge or consent; and

“c. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

“(6) All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used or intended for use in violation of this chapter.

“(b) Property subject to forfeiture under this chapter may be seized by state, county or municipal law enforcement agencies upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:

“(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

“(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

“(3) The state, county or municipal law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

“(4) The state, county or municipal law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

“(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

“(d) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the Court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the state, county or municipal law enforcement agency may:

“(1) Place the property under seal;

“(2) Remove the property to a place designated by it; or

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

“(e) When property is forfeited under this chapter the state, county or municipal law enforcement agency may:

“(1) Retain it for official use; except for lawful currency (money) of the United States of America which shall be disposed of as provided for in Subsection (d) (1) (3) (e) (2);

“(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds from the sale authorized by this Subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of or custody, advertising and Court costs; and the remaining proceeds from such sale shall be awarded and distributed by the Court to the municipal, and/or county, and/or state general fund whose law enforcement agencies or departments are determined by the Court to have been a participant in the investigation resulting in the seizure, and such award and distribution shall be made on the basis of the percentage as determined by the Court, which the respective agency or department contributed to the police work resulting in the seizure.

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

“(f) Controlled substances listed in schedule I that are possessed, transferred, sold or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in schedule I which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

“(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this chapter or of which the owners or cultivators are unknown or which are wild growths may be seized and summarily forfeited to the state.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1981

Time: 5:00 P.M.

To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to the County of Mobile, Alabama.

Section 2. The Sheriff of Mobile County shall be entitled to receive the following fees for the services as listed below in civil and criminal cases:

SERVICE	FEE
Levying attachment	25.00
Summoning garnishee and making return	10.00
Garnishment notice to defendant	10.00
Serving summons and other mesne process, except subpoenas for witnesses, and returning same	10.00
Summoning each witness and returning subpoenas	5.00
Executing a writ of possession	25.00
Making a deed to real estate sold	25.00
Serving summons and making returns in cases of forcible entry and detainer	25.00
Executing writs of restitution in such cases	25.00
Collecting execution for cost only	25.00
Serving subpoenas on bill in chancery proceedings and returning the same, for each defendant	25.00
Serving any court summons not herein provided for and making return	10.00
Serving attachment for contempt of court or rule to show cause	10.00
Taking and approving bonds of every kind	10.00
Collecting money under execution but no commission shall be collected on costs	25.00
Seizing personal property under writ of detinue	25.00
Summoning jurors	5.00
Executing body writs in mental cases	25.00
Executing a search warrant by day	3.00
Executing a search warrant by night	6.00
Executing a warrant or writ of arrest	

in misdemeanor or felony cases	12.00
Each bond or undertaking returned to court	6.00
Serving subpoena, notice or scire facias	4.00
Summoning jury in capital cases, or at any special court for the trial of a criminal, to be paid out of the county treasury	12.00
Attendance at Circuit or County Court in criminal cases, per day, to be paid out of the county treasury	12.00
Lawful commitment of a prisoner to jail	6.00
Removing a prisoner from the county where his offense was committed when there is no jail or the jail is insecure, to the jail of this or another county, and for returning said prisoner, for the Sheriff and each Deputy or Guard for each day they engage in such removal or return, plus their actual necessary traveling expenses including those of the prisoner, to be taxed against and paid by such prisoner upon conviction, or, if such prisoner is insolvent or is acquitted, to be paid by the county in which the offense was committed.	15.00
Removing or returning a prisoner upon a change of venue order, for the Sheriff and each Deputy or Guard for each day they engage in such removal or return, plus their actual necessary traveling expenses, including those of the prisoner, to be taxed against and paid by such prisoner upon conviction, or, if such prisoner is insolvent or is acquitted, to be paid by the State in cases involving felony offenses and to be paid out of the County Treasury in cases involving misdemeanor offenses.	15.00
Capture or arrest of a defendant with contraband or prohibited liquors or beverages, in addition to any other fees and charges allowed by law, 18 cts. per mile from the courthouse to the place of said capture or arrest and all ex-	

penses in transporting said contraband, etc. from the place of capture or arrest, to the courthouse, to be paid by the defendant upon conviction.	15.00
Taking fingerprints of persons taken into custody and furnishing copies thereof to the Director of the FBI and the Director of Public Safety.	3.00

Section 3. The aforementioned Sheriff's fees in civil cases shall be collected by the Sheriff at the time of filing in court and paid into the General Fund of Mobile County consistent with § 36-22-17, Code of Alabama 1975, and shall be in addition to any other fees presently collected.

Section 4. The aforementioned Sheriff's fees in criminal cases shall be paid by the defendant and shall be collected by the Sheriff and paid into the General Fund of Mobile County consistent with § 36-22-17, Code of Alabama 1975.

Section 5. The aforementioned Sheriff's fees for executing body writs for mental patients shall be assessed against the petitioner and shall be collected by the Sheriff and paid into the General Fund of Mobile County.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-415

H. 628—Rep. Sandusky

AN ACT

To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to the County of Mobile, Alabama.

Section 2. In addition to any other filing fees assessed, the Sheriff of Mobile County shall be entitled to a one dollar (\$1.00) Sheriff's filing fee on each civil and criminal case filed in the District and Circuit Courts of Mobile County, Alabama.

Section 3. The filing fees shall be collected by the Sheriff and paid into the General Fund consistent with § 36-22-17, Code of Alabama (1975).

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-416

H. 629—Rep. Kennedy

AN ACT

To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any semiretired or retired district judge in the 13th Judicial Circuit shall commence to receive as additional compensation payable from the treasury of the county, a sum equal to 1 1/2% of the compensation paid said judge by the state of Alabama for each year served as judge up to a maximum of 25%. The salaries or compensation provided for herein is supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-417

H. 711—Rep. Blake

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Steele in St. Clair County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Tract Number 1

To describe a tract or parcel of land to be annexed into the corporate limits of Steele, Alabama, begin at the Southeast corner of Section 26, T-12-S, R-4-E, St. Clair County, Alabama; thence run West and along the South line of the SE 1/2 of the SE 1/4 of said Section 26 and along the present Steele Corporate limits to the Southwest corner of said SE 1/4 of the SE 1/4; thence run North and along the West line of said forty and the present corporate limits to the Northwest corner of said forty; thence run Northeast in a straight and direct line along the present corporate limits to the Northeast corner of the NE 1/4 of the SE 1/4, Section 26, T-12-S, R-4-E; thence run South and along the East line of Section 26 to the point of beginning.

Tract Number 2

To describe a tract or parcel of land to be annexed into the corporate limits of Steele, Alabama, begin at the Northeast corner of the SE 1/4 of the NE 1/4, Section 35, T-12-S, R-4-E, St. Clair County, Alabama; thence run South and along the East line of Section 35, T-12-S, R-4-E, to the Southeast corner of said Section 35; thence continue to run South along the East line of the NE 1/4 of the NE 1/4, Section 2, T-13-S, R-4-E, to the Southeast corner of said forty; thence run East and along the North line of the South 1/2 of the North 1/2 of Section 1, T-13-S, R-4-E, and the North line of the South 1/2 of the North 1/2 of Section 6, T-13-S, R-5-E, to a point on Little Canoe Creek; thence run South and Southeasterly along the meanders of Little Canoe Creek to a point on the South line of the North 1/2 of the N 1/2,

Section 7, T-13-S, R-5-E; thence run West and along the South line of the North 1/2 of the N 1/2, Section 7, T-13-S, R-5-E, and the South line of the North 1/2 of the NE 1/4, Section 12, T-13-S, R-4-E, to the Southwest corner said NW 1/4 of the NE 1/4 of Section 12; thence run North along the West line of the NW 1/4 of the NE 1/4 of said Section 12 to the Northwest corner thereof; thence run West along the South line of the SE 1/4 of the SW 1/4, Section 1, T-13-S, R-4-E, to the Southwest corner thereof; thence run North along the West line of the SE 1/4 of the SW 1/4 of said Section 1 to the Northwest corner thereof; thence run West along the South line of the NW 1/4 of the SW 1/4 of said Section 1 to the Southwest corner thereof; thence continue to run West and along the South line of the North 1/2 of the SE 1/4, Section 2, T-13-S, R-4-E, to the Southwest corner thereof; thence run South and along the East line of the South 1/2 of the SW 1/4 of said Section 2 to the Southeast corner thereof; thence run West along the South line of said Section 2 and the South line of Section 3, T-13-S, R-4-E, to the Southwest corner of the South 1/2 of the SE 1/4 of said Section 3; thence run South and along the East line of the North 1/2 of the NW 1/4 of Section 10, T-13-S, R-4-E, to the Southeast corner thereof; thence run West and along the South line of the North 1/2 of the NW 1/4 of said Section 10 to the Southwest corner thereof; thence run South and along the East line of Section 9, T-13-S, R-4-E, to the Southeast corner of the NE 1/4 of said Section 9; thence run West and along the South line of said NE 1/4 of Section 9 to the Southwest corner thereof; thence run North and along the West line of said NE 1/4 of Section 9 to the Northwest corner thereof; thence run West and along the North line said Section 9 to the Northeast corner of the NW 1/4 of the NW 1/4, said Section 9; thence run South and along the East line of said forty to the Southeast corner thereof; thence run West and along the South line of said forty and the South line of the NE 1/4 of the NE 1/4, Section 8, T-13-S, R-4-E, to the Southwest corner of said NE 1/4 of the NE 1/4, thence run North and along the West line of said forty and the West line of the SE 1/4 of the SE 1/4, Section 5, T-13-S, R-4-E, to the Northwest corner of said SE 1/4 of the SE 1/4 thence run East and along the North line of said SE 1/4 of the SE 1/4 and the North line of the SW 1/4 of the SW 1/4, Section 4, T-13-S, R-4-E, to the Northeast corner of said SW 1/4 of the SW 1/4; thence run North and along the West line of the NE 1/4 of the SW 1/4 of said Section 4, to the Northwest corner thereof; thence run East and along the North line of said NE 1/4 of the SW 1/4 and SE 1/4 of said Section 4 to the Northeast corner of the SE 1/4 of said Section 4; thence run South and along the East line of Section 4, T-13-S, R-4-E, to the Southeast corner of said Section 4; thence run East and along the Southline of Section 3, T-13-S, R-4-E, to the Southwest corner of the SE 1/4 of the SW 1/4, Section 3, T-13-S, R-4-E; thence run North

and along the West line of said SE 1/4 of the SW 1/4 to the Northwest corner thereof; thence run East and along the North line of said SE 1/4 of the SW 1/4 and the North line of the SW 1/4 of said Section 3 to the Southwest corner of the NE 1/4 of the SE 1/4 of said Section 3; thence run North and along the West line of said NE 1/4 of the SE 1/4 to the Northwest corner thereof; thence run East and along the North line of said NE 1/4 of the SE 1/4, Section 3, and the North line of the SW 1/4 of Section 2, T-13-S, R-4-E, to the Northeast corner of said SW 1/4 of Section 2, thence run North and along the West line of the NE 1/4 of said Section 2 and the West line of SW 1/4 of the SE 1/4, Section 35, T-12-S, R-4-E, to the Northwest corner of said SW 1/4 of the SE 1/4 of Section 35; thence run East and along the North line of said SW 1/4 of the SE 1/4 to the Northeast corner thereof; thence run North and along the West line of the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4, both in the aforementioned Section 35, to the Northwest corner of said SE 1/4 of the NE 1/4, thence run East and along the North line of said SE 1/4 of the NE 1/4 to the Northeast corner thereof and the point of beginning.

Tract Number 3

To describe a tract or parcel of land to be annexed into the corporate limits of the Town of Steele, Alabama, begin at the Northwest corner of Section 3, T-13-S, R-4-E, St. Clair County, Alabama, thence run East and along the present corporate limits of Steele, Alabama, and along the North line of the NW 1/4 of the NW 1/4 of said Section 3 to the Northeast corner thereof; thence run South and along the East line of the West 1/2 of the NW 1/4, Section 3, to the Southeast corner of said West 1/2; thence run West and along the South line of the SW 1/4 of the NW 1/4 of said Section 3 to the Southwest corner thereof; thence run North and along the West line of said Section 3 to the Point of beginning.

Said tracts 1, 2, and 3 lying in and being in St. Clair County, Alabama, all tracts being contiguous to the present corporate limits of the Town of Steele, Alabama; said tracts being portions of Section 26 and 35 both in T-12-S, R-4-E; portions of Sections 6 and 7, both in T-13-S, R-5-E; and portion of Sections 1, 2, 3, 4, 5, 8, 9, 10, and 12; all in T-13-S, R-4-E; and said tracts containing 2,120 acres more or less.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-418

H. 857—Reps. Smith(J), Carter

AN ACT

Relating to Limestone County; providing expense allowances and compensation for certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, and for the remainder of the present term of office, the following Limestone County officials shall be entitled to the following expense allowances which are to be paid on a monthly basis from the county treasury:

Chairman of County Commission	\$241.66
Members of County Commission	\$200.00
Tax Collector	\$ 95.84
Tax Assessor	\$ 95.84
Sheriff	\$166.67
Coroner	\$ 75.00

Section 2. Beginning with the next term of office of each such official, the following Limestone County officials shall be entitled to the following compensation which is to be paid on a monthly basis from the county treasury:

Chairman of County Commission	\$483.33
Members of County Commission	\$400.00
Tax Collector	\$191.67
Tax Assessor	\$191.67
Sheriff	\$333.33
Coroner	\$150.00

Section 3. The additional expense allowances provided by this Act, when they become effective, shall be in addition to any and all other compensation or allowances provided by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-419

H. 906—Rep. Harper (O)

AN ACT

Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, election officials who work at polling places are hereby entitled to an additional per diem allowance in such an amount as will, together with any amount paid by the state, make the total paid to such officials thirty dollars (\$30.00) for each day they work at the polls. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act. No. 81-420

H. 957—Rep. Pegues

AN ACT

Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), is hereby further amended to read as follows:

“Section 1. The tax assessor of Perry County may appoint two clerks and the tax collector of such county may appoint one clerk to assist in the performance of duties of his office. Each clerk so appointed shall be entitled to receive a salary of not less than \$6,300 per annum. The allowance shall be paid from the general funds of

the county in such manner as the governing body of the county may direct, and shall be retro-active to February 16, 1981."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-421

H. 970—Reps. Grouby, Edwards

AN ACT

Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lowndes County, the fee for issuance of a pistol permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155 of the Code of Alabama 1975 shall be \$10.00, which shall be collected by the sheriff of such county and deposited in the county treasury. Four-fifths of such fee shall be credited to a special fund or account in the county treasury to be known as the sheriff's law enforcement fund to be used by the sheriff exclusively for law enforcement purposes upon approval of the county commission. The remaining part of such fee shall be deposited in the county general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed and Act No. 119, H. 108, approved May 14, 1969, Regular Session 1969 (Acts 1969, p. 190), as amended, is expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-422

H. 971—Rep. Laird

AN ACT

Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

WHEREAS, on February 9, 1981, the Randolph County Commission passes a resolution requesting the necessary legislation to give the members of said commission a two hundred dollar (\$200.00) per month expense allowance; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County, each member of the county commission is hereby entitled to receive an additional two hundred dollar (\$200.00) expense allowance per month. Said expense allowance shall be in addition to any and all other salary, expense allowance or compensation heretofore provided by law and shall be payable out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-423

H. 972—Rep. Laird

AN ACT

Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County any county health officer or administrator is hereby authorized to issue an official death certificate in any case within the county, except where an autopsy is required. Data obtained from the attending physician or funeral director shall be kept on file for one year following the death for the purpose of issuing such death certificate. Such certificate shall be in all particu-

lars the same as those issued by the state department of public health and shall be sufficient proof of death in any court or for insurance purposes. Nothing in this Act shall affect any existing duty of any person to gather and transmit data to the local registrar or to the state health department.

Section 2. The county health officer shall, not later than ten days from the date of death, make such official death certificate available to the surviving spouse or next of kin of the deceased at a fee not greater than that charged by the state health department for the same service. Any officer failing to comply with this section is guilty of a misdemeanor.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-424

H. 547—Rep. Kelley

AN ACT

To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-75, Code of Alabama 1975, as last amended, is hereby amended to read:

“§ 25-4-75. Extension of benefit period.-

(a) **APPLICABILITY OF SECTION.**—Notwithstanding any other provisions of this chapter, the duration of benefits as provided in section 25-4-74 shall be extended as provided in this section.

(b) **DEFINITIONS.**-As used in this section, unless the context clearly requires otherwise, the following terms shall mean:

(1) **EXTENDED BENEFIT PERIOD.** A period which:

a. Begins with the third week after whichever of the following week occurs first:

1. A week for which there is a national "on" indicator; or
2. A week for which there is a state "on" indicator; and

b. Ends with either of the following weeks, whichever occurs later:

1. The third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or

2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) **NATIONAL "ON" INDICATOR.** There is a "national 'on' indicator" for a week if the U.S. secretary of labor has so determined pursuant to federal law.

(3) **NATIONAL "OFF" INDICATOR.** There is a "national 'off' indicator" for a week if the U.S. secretary of labor has so determined pursuant to federal law.

(4) **STATE "ON" INDICATOR.** There is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the U.S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

a. Equalled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

b. Equalled or exceeded four percent.

(5) **STATE "OFF" INDICATOR.** There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the U.S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

a. Was less than 120 percent of the average of such rates for

the corresponding 13-week period ending in each of the preceding two calendar years; or

- b. Was less than four percent.

(6) **RATE OF INSURED UNEMPLOYMENT.** For the purpose of subdivisions (4) and (5) of this subsection (b), such term means the percentage derived by dividing:

- a. The average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of his reports to the U.S. secretary of labor, by

- b. The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(7) **REGULAR BENEFITS.** Benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85), other than extended benefits.

(8) **EXTENDED BENEFITS.** Benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(9) **ELIGIBILITY PERIOD OF AN INDIVIDUAL.** The period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

(10) **EXHAUSTEE.** An individual who, with respect to any week of unemployment in his eligibility period:

- a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his current benefit year that includes such week; provided, that for the purposes of this subdivision (10), an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

- b. His benefit year having expired prior to such week, has no,

or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

c. 1. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U.S. secretary of labor; and

2. Has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee; provided, however, that this provision shall not apply to the Virgin Islands after the day on which the U.S. secretary of labor approves the Virgin Islands law under the provisions of Section 3304 (a) of the Federal Unemployment Tax Act.

(11) STATE LAW. The unemployment insurance law of any state, approved by the U.S. secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(c) EFFECT OF STATE LAW PROVISIONS RELATING TO REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.-Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(d) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.-An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) He is an "exhaustee," as defined in subdivision (b) (10) of this section.

(2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipts of benefits.

(e) WEEKLY EXTENDED BENEFIT AMOUNT.-The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(f) TOTAL EXTENDED BENEFIT AMOUNT.-The total

extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be 50 percent, rounded to the nearest multiple of \$1.00, of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year.

(g) BEGINNING AND TERMINATION OF EXTENDED BENEFIT PERIOD.

(1) Whenever an extended benefit period is to become effective in this state, or in all states, as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator or state and national "off" indicators, the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision (b) (6) of this section shall be made by the director, in accordance with regulations prescribed by the U.S. secretary of labor.

(h) CESSATION OF EXTENDED BENEFITS WHEN PAID UNDER AN INTERSTATE CLAIM IN A STATE WHERE EXTENDED BENEFIT PERIOD IS NOT IN EFFECT.

(1) Except as provided in subdivision (2) of this subsection (h), an individual shall not be eligible for extended benefits for any week if:

a. extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and

b. no extended benefit period is in effect for such week in such state.

(2) The provisions of subdivision (1) of this subsection (h) shall not apply with respect to the first 2 weeks for which extended benefits are payable (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from his extended benefit account established for the benefit year.

(i) RESTRICTIONS ON ENTITLEMENT DURING ELIGIBILITY PERIOD.

(1) Notwithstanding the other provisions of this section, payment of any extended benefits under this section shall not be made to any individual for any week of unemployment in his eligibility period -

a. during which he fails to accept any offer of suitable work as

defined in subdivision (3) of this subsection (i) or fails to apply for any such suitable work to which he was referred by the director; or

b. during which he fails to actively seek work.

(2) If any individual is ineligible for extended benefits for any week by reason of a failure described in subdivision (1) of this subsection (i), the individual shall be ineligible to receive extended benefits for any week during a period which

a. begins with the week following the week in which such failure occurs, and

b. does not end until such individual has been employed in at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than 4 times his extended weekly benefit amount for his benefit year.

(3) For the purposes of this subsection (i), the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the director that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good. The determination of whether any work is suitable work shall be made in accordance with other provisions of this chapter.

(4) Extended benefits shall not be denied under paragraph a of subdivision (1) of this subsection (i) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work -

a. if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of

1. the individual's extended weekly benefit amount for the benefit year plus

2. the amount if any of supplemental unemployment benefits (as defined in 26 USC 50 (c) (17) (D)) payable to such individual for such week;

b. if the position was not offered to such individual in writing and was not listed with the state employment service;

c. if such failure would not result in a denial of benefits under the other provisions of this chapter to the extent that such provisions are not inconsistent with subdivisions (4) and (5) of this subsection (i); or

d. if the position pays wages less than the higher of the minimum wages provided under section 6 (a) (1) of the Fair Labor Stan-

dards Act of 1938, as amended, without regard to any exemption or the applicable state or local minimum wage, if any.

(5) For purposes of this subsection (i), an individual shall be treated as actively engaged in seeking work during any week if the individual has engaged in a systematic and sustained effort to obtain work during such week, and provides tangible evidence to the director that he has engaged in such effort during such week.

(j) REFERRAL OF EXTENDED CLAIMANT TO JOB. Extended benefit claimants shall be referred to any available suitable work to which the definition in subdivision (4) of subsection (i) does not apply.

(k) EMPLOYMENT REQUIRED AFTER INVOLUNTARY SEPARATION. No provision of section 25-4-78 of this chapter which terminates a disqualification for regular or extended benefits because he or she has voluntarily left employment, was suspended or discharged for misconduct or failed to accept an offer of or apply for suitable work shall apply for purposes of determining eligibility for extended benefits unless the disqualification imposed has been terminated based upon employment in four weeks and remuneration of an amount which equals or exceeds four times the individual's weekly amount subsequent to the effective date of such disqualification.

(l) EFFECTIVE DATE OF ADDED PROVISIONS. The provisions of subsections (h), (i), (j), (k) and (l) of this section shall apply to weeks of unemployment which begin after March 31, 1981."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Turner, Stewart, Parker, Cosby,
Mitchell, Cobb, Zoghby, Harper (T)

AN ACT

To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of an airboat on any of the public waters of this state that are subject to an ebb and flow of the tide of at least two inches.

Section 2. Any person violating the provisions of the rules and regulations promulgated under the authority of this act shall, upon conviction, be guilty of a Class C misdemeanor.

Section 3. All laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-426

H. 985—Reps. Adams (C), Whatley

AN ACT

Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78) is hereby amended to read as follows:

“Section 3.11. If a council post is vacated with twelve months

or more remaining in the term, a special election shall be called by the mayor. Such special election shall be held and conducted, the returns thereof made and certificates given and the election regulated in all respects by the provisions of the election of councilmen under this act. If a council post is vacated with less than twelve months remaining in the term, the vacancy shall be filled by the council at any regular meeting within four weeks after the vacancy occurs. In event of a deadlock and for the purpose of breaking the deadlock, the mayor shall cast an additional vote. For the purposes of this section a deadlock shall be deemed to exist when, at the end of the third regular meeting of the council following the creation of a vacancy the council shall not have selected a person to fill the vacancy. The person selected to fill a vacancy shall possess all of the qualifications set out in this act including residence in the district he represents, and he shall hold office until the next election of councilman."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-427

H. 986—Reps. Adams (C), Whatley

AN ACT

Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

Be It Enacted by the Legislature of Alabama:

Section 1. Each person, company, or corporation, making bonds and charging therefor, within the city of Phenix City, for the release of persons held by such city shall be required as a part of the qualification to do business to post a cash deposit with the city of Phenix City or to take out a certificate of deposit payable to the city of Phenix City, in the amount of any bonds made by any such person, company, or corporation.

Such funds shall be held to guarantee the payment of all sums of money that may be due to the city of Phenix City by virtue of any judgment absolute being rendered against said person, company, or corporation as surety on any bond or bonds.

Section 2. The provisions of this act are severable. If any part

of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-428

H. 987—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. All monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control, shall be paid into the county road and bridge fund.

Section 2. Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and all other laws which conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-429

H.J.R. 317—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, April 30, we adjourn to meet again on Tuesday, May 5; when we adjourn on Tuesday, May 5, we adjourn to meet again on Wednesday, May 6; and when we adjourn on Wednesday, May 6, we adjourn to meet again on Thursday, May 7, all dates hereinabove stated being in the year 1981.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-430

H.J.R. 318—Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. JAMES R. RAIFORD,
BUDGET OFFICER FOR THE STATE OF ALABAMA.**

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened by the sudden and untimely death of our close friend, James R. Raiford, on April 29, 1981, at the age of just 46 years; and

WHEREAS, a native of Ashland in Clay County, Alabama, and a resident of Montgomery, Jimmy Raiford was serving as State Budget Officer at the time of his death, a position he had held since January 1976; and

WHEREAS, in meritorious service to the State of Alabama, Mr. Raiford was first employed with the Office of Examiners of Public Accounts, from 1960 until 1971, at which time he joined the Budget Division of the State Finance Department; and

WHEREAS, while serving as an Examiner with the Division, Mr. Raiford was appointed Acting Budget Officer in October 1975, and assumed, also by appointment some 15 months later, the permanent responsibilities of that office; and

WHEREAS, Jimmy Raiford, who was a graduate of the Auburn University with a B.S. Degree in Business Administration, was a member of the First Baptist Church of Ashland and was a member and past president of the National Association of State Budget Officers; and

WHEREAS, Mr. Raiford's tenure with the State of Alabama was marked with excellence; his service was extraordinary in its dedication and loyalty and his assistance to the Legislature was immeasurable in wisdom, cooperation and in value; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of James R. Raiford, one of our state's most outstanding public servants and a good friend whose loss is deeply felt by us all.

BE IT FURTHER RESOLVED, That we extend our deepest sympathy to the members of his family for whom a copy of this resolution shall be provided.

Approved May 6, 1981

Time: 5:00 P.M.

HOUSE JOINT RESOLUTION

NAMING S.B. 197 OF THE 1981 REGULAR SESSION, THE ALABAMA SURFACE MINING CONTROL AND RECLAMATION ACT, THE COOK-NARAMORE BILL.

WHEREAS, through the diligent work and commitment of Senator Doug Cook and Representative Alvis Naramore, S. B. 197 has passed both houses of the legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. B. 197 be designated and known as "The Cook-Naramore Bill."

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-432

S. 591—Mr. Cook

AN ACT

To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any salary increase provided for state employees who are listed in the classified and unclassified service of the State of Alabama as defined in the Code of Alabama 1975, Section 36-26-10, whether provided for by legislation action, by action of the State Personnel Board, or by rules of the State Personnel Department, shall apply with equal force to all legislative personnel, officers and employees, including, but not limited to, Legislative Reference Service personnel. Legislative personnel as herein referred to, who are employed on a full time basis and such part-time employees with two or more years of continuous service, shall be entitled to the same number of annual increases as those provided for employees in the classified and unclassified service, and shall further be entitled to exceptional step raises as provided for by law or rules of the State Personnel Department and merit system when approved by the appointing authority.

Section 2. The director of the State Personnel Department shall revise the schedules of rates set forth in the pay plan for all state employees covered under the provisions of this Act to reflect any increases provided for herein and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-433

S. 550—Messrs. St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks, and White

AN ACT

To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

WHEREAS, every Alabamian is justly proud of the legendary record and reputation of the world's football genius, Paul William "Bear" Bryant; and

WHEREAS, not only the citizens of this great State but indeed of all the world watch in wonderment as this astounding coach passes milestones and record after record; and

WHEREAS, Paul William "Bear" Bryant has received every honor his profession makes, including National Coach of the Year three times and SEC Coach of the Year seven times, SEC Coach of the Century, and Coach of the Decade for the 1960, by the NCAA, to name but a few; and

WHEREAS, Paul William "Bear" Bryant, as millions have followed with pride and exhilaration, has produced, through imaginative skill and vision, one of this nation's most respected and fearsome football teams, our own beloved Crimson Tide; and

WHEREAS, the National Championships earned by our University of Alabama football team, under Coach Bryant, came in 1961, 1964, 1965, 1973, 1978 and again in 1979, which brought great distinction and honor not only to the University of Alabama, but to all Alabamians; and

WHEREAS, Paul William "Bear" Bryant, born September 11, 1913 in the humble hamlet of Moro Bottoms, Arkansas has carved out a 215-40-8 record for the Crimson Tide, the Nation's best, and is only nine victories away from excelling even Alonzo Stagg's all time record of 314, capping his already 36 years of coaching honors and

he deserves to continue his brilliant career without mechanical encumbrances; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, rule or regulation to the contrary notwithstanding, the Board of Trustees of the University of Alabama, may, in its sole discretion, continue the employment of any of its employees who are 70 years of age or older. Each such person shall be eligible to continue employment only if a majority of a quorum of the board, after deliberation, vote in favor therefor. Provided, further, particularly no laws or rules requiring mandatory retirement due to age shall apply to Paul William "Bear" Bryant so long as he and the University of Alabama concur his employment is satisfactory.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 4:30 P.M.

Act No. 81-434

S. 105—Mr. Pearson

AN ACT

To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-50 and 41-16-107, Code of Alabama, 1975 are hereby amended to read as follows:

“§ 41-16-50.

“(a) 1. All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property involving \$2,000.00 or more, made

by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“2. (i) Provided, however, all expenditures of funds for whatever nature for, including all service, concessions, goods, and/or rental contracts, of \$75,000.00 or more made by or on behalf of any governing boards, commissions, committees or like governing bodies of instrumentalities of counties and municipalities, including but not limited to, waterworks boards, sewer boards, gas boards, park boards, the Alabama State Fair Authority, and library boards, shall be made under contractual agreement entered into by free and open competitive bid on sealed bids, to the lowest responsible bidder. When a definite monetary sum is not determinable prior to contracting, prior contracts by that body or a similar body for similar type service or rental contracts shall be used as criteria for ascertaining whether competitive bids should be let.

“(ii) Whenever any said governing board, committee, commission or like body shall contract with a person or business entity whose cumulative service, concessions, goods, or rental contracts, including the contract in question, with any said board, committee, commission or like body under the domain of the same governing municipality or county, shall total \$200,000 or more, then said contract with said individual shall be null and void ab initio and said body shall submit the contract to competitive bid as provided in this section.”

“Provided, however, the provisions of paragraphs 2(i) and 2(ii)

shall not apply to radio or television sales by institutions of higher education nor to the exemptions prescribed in Section 41-16-51 of the Code of Alabama 1975.

“(iii) For the purposes of subsections (i) and (ii) above the term “instrumentalities of counties and municipalities” shall not include the county commission or municipal council, or municipal commission of the counties or municipalities of this state and the provisions of subsections (i) and (ii) above shall have no application whatsoever to the expenditure of funds or contracts entered into by said county or municipal governing bodies.”

“(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency’s share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article.”

(c) It is further provided that all bidders must furnish a bid Bond on any contract exceeding \$10,000.00. Provided that bonding is available for such services, equipment or materials.

“§ 41-16-107.

(a). The provisions of this article shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold in such manner as the Commissioner of Conservation and Natural Resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that

such timber is diseased, and such certification shall be in written form and filed with the director of finance.

(b). The provisions of this article shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient of such property is a county governing body or municipal governing body of this state. Such tangible personal property may be sold or released to any such governing body in such manner and on such terms as the State Highway Director deems in the best interest of the state; provided that all proceeds from any sale under the provisions of this subsection shall be paid into the State Treasury to the credit of the public road and bridge fund for the use of the State Highway Department, provided that the County or Municipal governing body shall certify to the Highway Director that the property will be retained for use for a period of at least two (2) years by the government making the purchase and it cannot be sold or traded for a period of two (2) years.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-435

S. 197—Messrs. Cook, Hall and Parsons

AN ACT

To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S.887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Be It Enacted by the Legislature of Alabama:

TITLE I

ALABAMA SURFACE MINING COMMISSION

Section 1. Short Title. This Act shall be known and may be cited as "The Alabama Surface Mining Control and Reclamation Act of 1981."

Section 2. Declaration of Public Policy and Legislative Intent. ALL LAND SURFACE MINED UNDER THIS ACT SHALL BE RECLAIMED.

(a) The objective of this Act is to provide for the safe, responsible and reasonable reclamation of lands upon which surface disturbances will be created by surface mining and the surface effects of underground mining so as to protect the taxable value of property and preserve natural resources within the State and protect and promote the health and safety of the people of this State, consistent with the protection of property and with maximum employment and the economic and industrial well-being of the State. The Legislature finds and declares that the extraction of coal by surface mining provides a major present and future source of energy and is an essential and necessary activity which contributes to the economic and material well-being of the State.

(b) The Legislature finds that the unregulated or irresponsible surface mining of coal may cause soil erosion, damage from rolling stones, landslides, and stream pollution, increases the likelihood of floods, reduces the value of land for agricultural purposes, can be detrimental to the conservation of soil, and may create hazards to life and property. It is the intent of the Legislature to assure that surface coal mining operations are not conducted where reclamation as required by this Act is not feasible. It is the intent of this Act to implement and enforce Public Law 95-87, 30 U.S.C. 1200 et. seq., and the permanent regulations promulgated thereunder, as required for the State to retain exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, provided, that if any provision of Public Law 95-87 or regulations promulgated thereunder which becomes invalidated or suspended by judicial or legislative act, the Commission shall suspend enforcement of this State's corresponding provision to the extent of any such judicial or legislative act.

(c) The Legislature further finds that lands subjected to surface coal mining operations and not reclaimed or rehabilitated constitutes the aforementioned perils to the welfare of the State. It is the purpose of this Act to promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue in their unreclaimed condition to substantially degrade the quality of the environment, prevent or damage the beneficial use of

land or water resources, or endanger the health or safety of the public.

(d) The Legislature further finds that surface mining reclamation technology is now developed so that effective and reasonable regulation of surface coal mining operations by the State in accordance with the requirements of this Act is an appropriate and necessary means to reduce adverse, economic and environmental effects of surface coal mining operations.

(e) The Legislature finds that a major impediment to effective enforcement of laws regulating coal surface mining is identifying and locating those acting in violation of the law; therefore, in order to protect the health, safety and well-being of the citizens of the State of Alabama, the Legislature intends by this Act to require that certain major purchases and users of and dealers in coal within the State of Alabama be required to furnish the Commission created by this Act with certain information which will assist the Commission in the performance of its duties hereunder.

(f) In order to safeguard life, health and property of the citizens of the State, the Legislature intends, by this Act, to establish certain qualifications for the obtaining of licenses to engage in the business of surface coal mining operations in the State of Alabama.

(g) The Legislature further finds that there are wide variations in the circumstances and conditions resulting from surface mining due to a diversity in terrain, climate, biologic, hydrologic, geologic, vegetative, chemical and other physical conditions in areas subject to mining operations. By reason of this diversity and its complex nature, it is necessary, in order to achieve the most effective, beneficial, economical, and equitable results, that the provisions of this Act shall have a statewide application and shall supersede and render void any local, municipal or county regulation or control of surface coal mining operations; provided that regulations shall be promulgated to account for the diverse technical factors as may be applicable for the State as a whole or may vary from area to area, to account for varying local conditions such as may be appropriate to accomplish the policy and intent of this Act.

(h) The Legislature further finds that an authority should be created to administer and enforce the regulatory provisions as enacted by the Legislature.

(i) It is the purpose of this Act to provide such regulation and control of surface coal mining operations as will reduce injurious effects to the environment and resources of the State and will promote the following objectives:

(1) Establish a statewide program to reduce adverse effects to

the environment resulting from surface coal mining operations; and

(2) Provide that surface coal mining operations will be encouraged in the manner consistent with judicious utilization of the natural resources of the State; and

(3) Provide that adequate measures are undertaken to reclaim surface mined areas promptly according to the provisions of this Act; and

(4) Exercise the full reach of State constitutional powers to provide protection of the public interest through effective control of surface coal mining operations; and

(5) Encourage the economic development of the coal resources of the State as a source of energy and other uses.

(j) This Act shall not be construed to limit or affect any suit, action, or other proceeding brought to invalidate, set aside or modify, in whole or in part, the Federal Surface Mining Act or any rule or regulation promulgated thereunder.

Section 3. Definitions. The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) “Applicant” means any person or legal entity who or which applied for a license or a permit to engage in surface coal mining operations.

(b) “Approximate Original Contour” means that surface configuration achieved by filling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all high walls and spoil piles eliminated; water impoundments may be permitted where the Commission determines that they are in compliance with this Act.

(c) “Coal Broker” and “Coal Sales Agency” means those persons whose principal business is the buying and reselling of coal, or the negotiation or soliciting of coal sales between operators and purchasers; where principal business means that at least 25 percent of such person’s coal related income is derived from such activities and such activities involve transactions affecting 250 or more tons of coal per year.

(d) “Completed Application” means the forms required by this Act completely filled out and filed in the Director’s office, with all questions answered and all required and supporting documents,

drawings, maps, schedules, surveys, fees and all other pertinent data required by the rules and regulations of the Commission and this Act.

(e) "Imminent Danger to the Health and Safety of the Public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement.

(f) "License" means an authorization issued pursuant to Section 13 which identifies persons eligible to conduct surface coal mining and reclamation operations.

(g) "Operator" means any person conducting surface coal mining and reclamation operations and includes permittees and their subcontractors.

(h) "Order" means the grant or denial of any license or permit; the setting, return or refusal to return any bond; or any other official act of the Commission, its Director or authorized agent thereof.

(i) "Outer Slope" means the exposed side of the spoil that slopes away from the pit created by the initial mining cut.

(j) "Permit" means an authorization issued pursuant to Sections 14 through 21 of this Act which allows a licensee to engage in surface coal mining at a particular location.

(k) "Permit Area" means the area of land indicated on the approved map submitted by the operator with his application which area of land shall be covered by the operator's bond as required by Section 21 of this Act and shall be readily identifiable by appropriate markers on the site.

(l) "Person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization or any governmental entity and any successor or agency of the foregoing.

(m) "Prime Farmland" shall have the same meaning as prescribed by the United States Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding and erosion characteristics, and which historically have been

used for intensive agricultural purposes.

(n) "Reclamation" means the process of converting mined land to its former or other allowable use as required by this Act.

(o) "Regulatory Authority" or "State Regulatory Authority" means the Alabama Surface Mining Commission acting by and through its Director or his designee.

(p) "Revegetation" means plants or growth which replace, where required, original ground cover following ground disturbance.

(q) "Spoil pile" means a deposit as piled or deposited in mining of overburden or reject materials and minerals which previously was overlying or in between coal deposits.

(r) "State Program" means the Commission acting under a program approved pursuant to Section 503 of Public Law 95-87, 30 U.S.C. 1200.

(s) "Surface Coal Mining and Reclamation Operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations.

(t) "Surface Coal Mining Operations" means —

(1) activities conducted on the surface of lands in connection with a surface coal mine extracting coal from the earth by removing the strata or material which overlies or is above or between coal seams or otherwise retrieving it from the surface or surface operations and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountain-top removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and

(2) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

(u) "Unwarranted Failure to Comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

Section 4. Alabama Surface Mining Commission.

(a) There is hereby continued as previously established the Alabama Surface Mining Reclamation Commission under the name of the Alabama Surface Mining Commission for the purpose of transition in implementing and enforcing this Act and carrying out the intent and policy stated in Section 2 hereof. All members of the Commission appointed under authority of Section 9-16-33, Code of Alabama 1975 shall continue their terms as created under that Act until all reappointments and filling of vacancies have been filled in the manner as herein set out. At the expiration of any term, that member shall continue in office until an appointment occurs as herein set out.

(b) The Commission shall be composed of seven members, who are fair and reasonable citizens of the State, appointed by the Governor, with the advice and consent of the Senate. The Governor shall initially appoint two members of the Commission for a term of five years, two members for four years, two members for three years, and one member for two years. All members appointed subsequently shall be appointed for terms of five years.

(1) One Commission member shall be appointed from one of the three counties in Alabama which produced the greatest number of tons of surface mined coal, as indicated by the records of the State of Alabama in the complete fiscal year immediately preceding that appointment; and two Commission members shall be appointed from any of the coal-producing counties in Alabama, as indicated by the records of the State of Alabama in the complete fiscal year immediately preceding that appointment. One Commission member shall be appointed state at large.

(2) One of the appointees to the Commission shall be a professional forester duly registered pursuant to the laws of the State of Alabama with not less than 10 years' experience in professional forestry. One of the appointees to the Commission shall be a professional civil or mining engineer duly registered pursuant to the laws of the State of Alabama with not less than 10 years' experience in professional engineering in surface mining or technologically related fields. One appointee to the Commission shall be an attorney duly licensed to practice law in the State of Alabama having not less than 10 years' experience in the active practice of law, the majority of whose years in practice shall have been in one of the three counties in Ala-

bama which produced the greatest number of tons of surface mined coal as indicated by the records of the State of Alabama in the complete fiscal year immediately preceding that appointment.

(c) Within 10 days of nomination by the Governor, each nominee shall file with the Secretary of the Senate a verified statement setting forth the following information: the names of all coal companies from whom such nominee has received any income of any sort during the 10 years immediately preceding such nomination; the name or names of all coal companies in which the nominee is or in the 10 years immediately preceding such nomination has been an officer, director, stockholder or partner; and all the names of all organizations, clubs and associations of which the nominee is or in the 10 years immediately preceding such nomination has been a member. No Commission member may have a direct or indirect financial interest in underground or surface coal mining operations, and may not participate in any proceeding conducted pursuant to Section 10 in which the Commission member is an employee, officer, director, shareholder or partner or where any organization, club or association of which the Commission member is a member, officer, agent, director or employee instigated the proceeding, is a defendant, or has any other direct interest in the outcome of the proceeding, other than as a member of Commission.

(d) The Commission shall annually elect from among its members a chairman, a vice-chairman and such other officers as necessary to fulfill its duties. In the event of a vacancy among the commissioners, the Governor shall, within 90 days of being notified of such vacancy, make an appointment to such vacancy, which appointment shall be subject to the advice and consent of the Senate at the next regular or special session of the Legislature; in the event such appointee is confirmed, his term shall be for the balance of the vacancy so filled.

(e) The Commission shall appoint a Director of the Alabama Surface Mining Commission and shall fix his compensation. The Commission may appoint a Deputy Director as an unclassified position and the compensation of such Deputy Director shall be fixed by the Commission subject to provisions of the State merit system. The Director shall be the chief operating officer of the Commission and shall be charged with exercising such powers, duties and functions as may be conferred upon him by the Commission or this Act, except the Director shall not have the power to promulgate, modify, suspend or repeal any standards, rules or regulations provided for or authorized under this Act. The Director is authorized, subject to the approval of the Commission, to create such divisions of his office as may be necessary to carry out its functions and may employ professional,

technical, legal or clerical personnel as may be necessary to carry out the duties and functions of the Commission. He may also, with the approval of the Commission, contract with private persons, firms or corporations to provide professional or technical assistance or consultant services to assist his office in carrying out the purposes of this Act.

(f) The members of said Commission shall receive as compensation \$75.00 per day for each day of official business as approved and validated by the chairman. The chairman shall receive \$100.00 per day for each full day he is occupied with business of the Commission. The chairman is hereby authorized to approve and certify expenses of every member of the Commission for reimbursement pursuant to Article 2, Chapter 7, Title 36, Code of Alabama 1975.

(g) Five members of the Commission shall constitute a quorum and recusal of a member shall not affect the quorum. The Commission shall keep a complete and accurate record of all its meetings, a copy of which shall be kept on file in the office of the Commission and open to public inspection. The Commission shall meet at least once every 30 days, or at such more frequent occasions as the Governor, the Chairman or Director determine a session is necessary to fulfill its duties and obligations.

(h) The Commission shall establish and maintain its principal office in one of the three counties in Alabama which produced the greatest number of tons of surface mined coal as indicated by the records of the State of Alabama, and establish and maintain such field offices in other coal producing counties as it may consider necessary for the proper discharge of its duties.

(i) Funds which are or may become available from any source, appropriations, or otherwise, to accomplish the purposes of this Act shall be disbursed by the Commission or by the Director in accordance with rules prescribed by the Commission.

(j) The Governor may remove any member of the Commission from office for neglect of duty, malfeasance or misfeasance, after unanimous consent and agreement by the Lieutenant Governor, Speaker of the House of Representatives and Attorney General of Alabama, by delivering to the member the charges against him in writing with at least 10 days' written notice of the time and place at which the Governor will publicly hear the member, who may appear either in person or by counsel, in defense of the charges against him. If the member is removed from office, the Governor shall file with the Secretary of State a complete statement of the charges made against the member and a complete report of the proceedings. The action of the Governor removing a member from office is final.

Section 5. Powers and Functions of the Commission. In addi-

tion to any other powers conferred on it by law, the Commission shall have the power to:

(1) Adopt, amend, suspend, repeal and enforce reasonably necessary rules and regulations to control surface coal mining operations consistent with this Act including the declaration of public policy and legislative intent contained in Section 2. Such rules and regulations may be for the State as a whole or may vary from area to area, as may be appropriate to accomplish the policy and intent of this Act and in order to take into account varying local conditions;

(2) Hold public hearings as may be specified by law relating to any aspect or matter in the administration of this Act and, in connection therewith, administer oaths, compel the attendance of witnesses and the production of evidence. In the event of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify as to any matter regarding which he may be lawfully interrogated, it shall be the duty of any court of competent jurisdiction, upon the application of the Commission, to compel obedience by proceedings for contempt as if the disobedience occurred in such Court.

(3) Issue such orders as may be necessary to effectuate the purposes of this Act and enforce the same through appropriate administrative and judicial proceedings;

(4) Promulgate and enforce rules, regulations and standards requiring the training, examination and certification of persons engaging in or directly responsible for the use of explosives for the purpose of blasting in surface coal mining.

(5) Secure through its Director necessary scientific, technical, administrative and operational services, including laboratory facilities by contract or otherwise;

(6) Encourage voluntary cooperation by persons and groups to achieve the purposes of this Act;

(7) Encourage and conduct through its Director and staff studies, investigations and research relating to surface mining reclamation;

(8) Establish and enforce coal surface mining reclamation standards for the State which may vary according to appropriate areas, provided they are not inconsistent with this Act and the declaration of public policy and legislative intent contained in Section 2;

(9) Collect and disseminate information and conduct educational and training programs relating to surface coal mining and reclamation of land;

(10) Advise, consult, contract and cooperate with other agencies of the State, local governments, industries, other states, interstate agencies and the Federal government and with interested persons or groups, especially, but not limited to achieve one-stop permitting for surface coal mining operations and to transfer funds to carry out reclamation activities;

(11) Consult, upon request, with any person proposing to construct, install or otherwise acquire a surface coal mine, concerning the efficacy of construction, installation or acquisition of such surface mine. Nothing in any such consultation shall be construed to relieve any person from compliance with this Act, rules and regulations in force pursuant thereto or any other provision of law;

(12) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the Federal government, for the purpose of carrying out any of the functions of this Act. Funds received by the Regulatory Authority pursuant to this section shall be deposited in the State Treasury to the account of the Alabama Surface Mining Fund.

(13) Employ personnel and consultants, purchase such equipment and supplies and lease or otherwise acquire through its Director such property as may be necessary for the administration of this Act. Subject to any applicable restrictions contained in law, any department or agency of the state may, from its available resources, provide the Regulatory Authority with personnel and services, with or without charge, and the Regulatory Authority may compensate other agencies for services;

(14) Provide for the performance by its Director, Deputy Director or staff and employees in the name of the Commission, of any act or duty authorized by and consistent with administration of this Act, except for the promulgation, modification, suspension or repeal of standards, rules and regulations;

(15) Perform other acts and duties consistent with the provisions of this Act as may be necessary to implement the declaration of public policy and legislative intent contained in Section 2;

(16) Provide for the establishment of advisory committees, appointment and adequate compensation for membership of said committees, scope of study and other duties, periods of duration and terms of advisory members;

(17) Issue, modify or revoke orders prohibiting actions which violate this Act or the rules, regulations or standards promulgated pursuant to this Act and require affirmative action to bring any surface coal mining operation into compliance with this Act;

(18) Issue, continue in effect, revoke, modify or deny permits through its Director and staff for the conduct of surface coal mining operations or explorations which are subject to this Act;

(19) Issue warnings and initiate civil or criminal actions through its Director and staff as provided for in this Act;

(20) Acquire and maintain Workman's Compensation Insurance in the amount prescribed by the Workman's Compensation Laws of Alabama and such general liability insurance as may be reasonably necessary to assure adequate protection of the Commission, its Director, employees and agents for lawful acts by them during the course of enforcing and administering this Act;

(21) a. Enforce the provisions of the State program approved pursuant to Section 503 of the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200.

b. The Commission shall make every effort to obtain full reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under paragraph (21)a. hereof.

c. If P.L. 95-87 or any rules or regulations promulgated thereunder or the Federal laws it amends are adjudged unconstitutional or invalid in their application, or stayed pending litigation in any court of competent jurisdiction over surface coal mining operations in Alabama, the Alabama Surface Mining Commission shall suspend the enforcement of this Act to the extent of such adjudication, unconstitutionality, inapplicability or stay.

d. If any of the Commissions rules or regulations are adjudged unconstitutional or invalid in their application, or stayed pending litigation in any court of competent jurisdiction, the Alabama Surface Mining Commission shall have the power to enforce any valid, constitutional and analogous provision of the rules and regulations promulgated under P.L. 95-87.

e. The State of Alabama, by any provision, part or all of this Act, does not waive any rights and powers reserved to it by the tenth amendment to the Constitution of the United States, and this subdivision (21) shall not be interpreted so as to prevent the State of Alabama from protecting any and all of its rights and governmental powers through any legal action as might be determined by duly constituted officials of the State of Alabama.

(22) No Commission member, employee of the Commission, or any other State employee performing any function or duties under this Act shall have a direct or indirect financial interest in under-

ground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than Two Thousand, Five Hundred Dollars (\$2,500), or by imprisonment for not more than one year, or both.

Section 6. Rule Making Procedure.

In adopting, amending or repealing any rule, including any regulation or standard, the Regulatory Authority shall observe the following procedure:

(a) The Regulatory Authority shall prepare a notice which describes the subjects for which the Regulatory Authority is considering promulgating rules and which solicits from all interested parties suggestions and comments in writing. The Regulatory Authority shall publish the notice in a newspaper of general circulation in the State of Alabama for two consecutive weeks and shall mail the notice to all licensees and to all those persons who have requested written notification of the Regulatory Authority's rule-making activities.

(b) No sooner than thirty (30) days after publication of the notice pursuant to subsection (a) of this section, the Regulatory Authority shall develop its proposed rules and shall prepare a notice which states that rules have been developed, solicits comments in writing, states that the proposed rules are available for inspection and provides an opportunity for a public hearing to be held at a date no sooner than thirty five (35) days from the initial publication of said notice. The notice shall be published in a newspaper of general circulation for the State of Alabama for two consecutive weeks. The notice and a copy of the proposed rules, shall be mailed to all licensees, and all persons who have requested written notification of the Regulatory Authority's rule-making activities.

(c) At the public hearing held on the date set forth in the notice published pursuant to subsection (b) of this Section, any interested person may appear and be heard concerning the proposed rules. A full and complete transcript shall be kept of any such hearing, a copy of which may be had by any person upon payment of the cost of the transcript. The Regulatory Authority shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption, amendment or repeal of a rule the Regulatory Authority, if requested to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for its actions.

(d) The Regulatory Authority shall publish, or in its discretion withdraw, its rules and shall file a certified copy thereof in the office of the Secretary of State. Unless a longer period is prescribed by the Regulatory Authority, all rules and amendments and repeals thereof

shall take effect thirty (30) days after publication. The Regulatory Authority shall mail a copy of its rules immediately upon publication to all licensees, to all persons who have requested written notification of the Regulatory Authority's rule-making activities and shall make a copy of the rules available to any other person upon request.

(e) The validity or applicability of a rule, regulation or standard may be determined in an action for a declaratory judgement, or its enforcement may be stayed by injunctive relief in the appropriate circuit court if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The Regulatory Authority shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions, exceeds the statutory authority of the Regulatory Authority or was adopted without substantial compliance with rule-making procedures provided for in this section.

(f) Any person may request written notification of the Regulatory Authority's rule-making activities by sending such request to the Regulatory Authority by certified or registered mail. The list of persons requesting written notification of rule-making activities shall be updated to maintain current addresses on an annual basis. Those not responding to the Commission's update inquiry shall be deleted from the list.

Section 7. Conflict of Interest.

No officer or employee of the Commission performing any function or duty under this Act, shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of this Section shall, upon conviction, be punished by a fine of not more than Two Thousand, Five Hundred Dollars, (\$2,500), or by imprisonment for not more than one year, or both, and shall relinquish his commission seat.

TITLE II

DIVISION OF HEARINGS AND APPEALS

Section 8. Division of Hearings and Appeals.

(a) There is hereby created a Division of Hearings and Appeals within the Alabama Surface Mining Commission to enforce the provisions of this Title. The Division shall have such powers and authority as required by law and as delegated by the Director.

(b) To hear and determine appeals from regulatory, enforcement or other activities of the Commission as may be specified by law the Director shall appoint one or more impartial hearing officers.

These hearing officers shall be employees of the Commission, and shall be classified personnel in the State merit system. These hearing officers shall also be members in good standing of the Alabama State Bar. The Director shall also appoint and designate one hearing officer as Chief Hearing Officer who shall be responsible for the assignment of cases to the hearing officers as well as the efficient administration of the functions and duties of the hearing officers.

Section 9. Hearing Officer.

(a) No hearing officer shall participate in a hearing if he has an interest therein. At any such hearing all testimony shall be given under oath and be recorded, but need not be transcribed unless an appeal is made.

(b) The manner in which hearings before hearing officers shall be presented and the conduct of hearings and appeals before hearing officers shall be in accordance with regulations prescribed by the Regulatory Authority.

(c) In the discharge of their duties under this Act, any hearing officer shall have power to administer oaths, certify to official acts, take and cause to be taken depositions of witnesses, issue and serve subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, payrolls, documents, records and testimony, provide for site inspections or inspections of other operations. In the event of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify as to any matter regarding which he may be lawfully interrogated, it shall be the duty of any court of competent jurisdiction or of the judge thereof, upon the application of the hearing officer in the name of the Alabama Surface Mining Commission to compel obedience by proceedings for contempt. Witness fees and other expenses involved in the proceedings under this article shall be paid to the extent necessary at rates specified by the Director. Such expenses shall be deemed a part of the expense of administering this chapter.

Section 10. Hearings and Appeals Procedure.

Procedures for hearings and appeals under this chapter shall be made as herein provided and in accordance with such general rules and regulations as the Regulatory Authority may prescribe, unless otherwise specified by law.

(a) (1) A determination by the Regulatory Authority as specified by law shall be made promptly and shall include a statement as to the action to be taken and reasons therefore. Notice of the determination or decision shall be promptly given to the parties in-

volved by delivery or by mailing such notices to their last known addresses. When the Regulatory Authority gives a notice of determination, unless an appeal is filed by any person having an interest which may be adversely affected with the chief hearing officer within thirty (30) days of such notice such determination shall be deemed final and not subject to appeal;

(2) Unless such appeal is withdrawn, the hearing officer shall affirm, modify, or set aside the determination of the Regulatory Authority in a written decision incorporating therein findings of fact and law. The parties shall be promptly notified in writing of the hearing officers' decision.

(3) The decision of a hearing officer shall become final ten (10) days after notice of such decision has been mailed, postage prepaid, to the parties to the proceedings at the addresses furnished or, if none shall have been furnished, at their last known addresses.

(4) Within thirty (30) days from the time a decision of the hearing officer has become final, any party to the proceedings may secure administrative review by filing a petition for review with the Commission.

(b) An appeal to a hearing officer of a decision or order of the Regulatory Authority shall not automatically act as a stay of the decision or order. Pending completion of an appeal taken pursuant to subsection (a) of this Section, a written application may be filed with the hearing officer requesting that he grant temporary relief from any notice or order issued under Section 28 of this Act together with a detailed statement giving reasons for granting such relief. The hearing officer shall issue an order or decision granting or denying such relief expeditiously: Provided, that where the applicant requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to Section 28 of this Act, the order or decision on such application shall be issued within five (5) days of its receipt. The hearing officer may grant such relief, under such conditions as he may prescribe, if —

(1) a hearing has been held in the locality of the permit area on the application for temporary relief in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the hearing officer will be favorable to him; and

(3) such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

Provided further, that where the hearing officer denies temporary relief from a cessation order or fails to act on the application for temporary relief within five (5) days, the applicant may apply to the appropriate circuit court for relief pursuant to Rule 65 of the Alabama Rules of Civil Procedure.

(c) (1) The Commission may grant or deny a petition for review. If the Commission takes no action on a petition within thirty (30) days, it shall be deemed denied. If the Commission grants a petition for review but fails to act within ninety (90) days of granting the petition, the Commission shall be deemed to have entered a final decision affirming the order of the hearing officer.

(2) The Commission shall make its review of a decision of a hearing officer based on the administrative record, and the hearing officer's decision shall either be affirmed, reversed or referred back to the hearing officer with instructions for further specific inquiry. The Commission shall promptly notify the parties in writing of its decision.

(3) The manner in which disputed claims before the Commission shall be presented and the conduct of hearings and appeals before it shall be in accordance with the regulations prescribed by the Commission. At any hearing the parties shall be afforded a reasonable opportunity for fair hearing and all testimony shall be taken down but need not be transcribed unless an appeal is applied for or taken. No person shall participate in the hearing or disposition of any claim as a member of the Commission if he has an interest therein.

(d) (1) Any decision of the Commission shall become final ten (10) days after the date notification thereof shall have been mailed, postage prepaid, to the parties to the proceeding, at their last known addresses. The Director shall be deemed to be a party to all such proceedings and to any judicial action involving any such decision.

(2) Within thirty (30) days from the time a petition for review is deemed denied or thirty (30) days after the decision of the Commission has become final, any party to the proceeding may secure a judicial review thereof by filing a notice of appeal in circuit court. All parties to the administrative procedure shall be named parties in such an appeal. In such action, the notice of appeal need not be verified but shall state the grounds upon which a review is sought. Service shall be made in accordance with the Alabama Rules of Civil Procedure. No circuit court shall permit an appeal unless the person filing such appeal has exhausted his administrative remedies as provided by this Act. Provided, where an appeal is taken to the Commission from a cessation order issued pursuant to Section 25 of this Act and the Commission fails or refuses to stay the order pending a final deter-

mination on the merits, the affected surface coal mining operator may apply to the appropriate circuit court for relief. The court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if —

(A) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(C) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(e) Upon notification by the court that notice of appeal has been filed, the Regulatory Authority shall transmit to the court the entire record of the proceedings under review, including the findings of fact and the decision of the hearing officer or the Commission within thirty (30) days or within such additional time as the court may allow. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal.

The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(f) The cause shall be tried *de novo* in said Circuit Court and shall be a preference case on the docket thereof. The court shall have jurisdiction to determine the reasonableness and lawfulness of the order of the regulatory authority. Upon a finding by the Court that the order is not reasonable or lawful, or not supported by the clear preponderance of the evidence, the cause shall be remanded to the regulatory authority for further proceedings in accordance with the provisions of this Act. The parties shall have all rights of exception and appeal as in other equity cases.

(g) In any appeal from an order of the Commission the appellant may, upon application to the circuit court, supercede any order of the Commission on giving such supersedeas bond in an amount the court deems proper and necessary to avoid the likelihood of material damage. The court may, under such conditions as it may prescribe, grant such supersedeas as it deems appropriate pending final determination of the proceeding if —

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for a supersedeas.

(2) the person requesting the supersedeas shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceedings; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air or water resources.

Such a bond shall be made payable to the respondent appellee. If a supersedeas bond has been given on appeal to the circuit court as hereinabove provided for, such bond shall continue in force and effect during an appeal to the Supreme Court of Alabama and until final adjudication of the case, and all the conditions of such bond shall be complied with, and no other supersedeas bond need be given by the appellant unless the court hearing the case shall determine that the amount of such supersedeas bond is either excessive or inadequate, in which case the court may order such bond reduced or increased as the court may decide.

(h) An appeal may be taken from the decisions of the circuit court in the same manner as provided in civil cases.

(i) Whenever an order is issued under this Section or as a result of any administrative proceeding under this Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Commission, or, if no appeal is taken to the Commission, as determined by the hearing officer, to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of the Commission actions, may be assessed against either party as the court, resulting from judicial review, or the Commission or the hearing officer, resulting from administrative proceedings, deems proper.

(j) The procedure provided in this Act for hearings and appeals shall be exclusive except as otherwise specified.

(k) Nothing in this Act shall prevent the Regulatory Authority from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. However, nothing in this section shall be taken to negate the mandatory enforcement of Section 25.

Section 11. Not used.

TITLE III

DIVISION OF SURFACE MINING CONTROL AND RECLAMATION

Section 12. Division of Surface Mining Control and Reclamation.

(a) There is hereby created a Division of Surface Mining Control and Reclamation within the Alabama Surface Mining Commission to enforce the provisions of this Title. The Division shall have such powers and authority as may be delegated by the Director of the Commission.

(b) (1) The Director shall appoint a Chief of the Division and shall fix his compensation as an unclassified employee in the State merit system.

(2) The Chief shall be the chief executive officer of the Division and shall administer in the name of the Division that power and authority delegated to the Division by the Director. The Chief may, with the approval of the Director, establish such sections within the Division as may be necessary to enforce this Title and the rules, regulations and standards promulgated thereunder.

(c) Any books, records, equipment, facilities, notes, accounts receivable, bank accounts, contracts and all property of any kind, tangible or intangible, of the Alabama Surface Mining Reclamation Commission acquired or used in the administration of the Alabama Surface Mining Reclamation Act of 1975, Act No. 551 (Regular Session or any other official, officer or employee of the State of Alabama such manner as the Director of the Commission deems appropriate. No suit, action, or other proceeding lawfully commenced by or against the Director of the Alabama Surface Mining Reclamation Commission or any other official, officer or employee of the State of Alabama in his official duties under Act No. 551 shall abate by reason of the taking effect of this Act. All power, rights, and duties conferred upon the Alabama Surface Mining Reclamation Commission, its commissioners, director, employees or other officials by Act No. 551 shall be conferred upon the reconstituted Commission as the Director may delegate solely for the purposes of winding up, continuing to enforce as may be necessary and concluding all obligations, liabilities, duties, orders, litigation or any other business commenced or incurred under Act No. 551.

(d) All personnel employed by the Alabama Surface Mining Reclamation Commission shall be transferred to the Alabama Surface Mining Commission.

Section 13. Licenses.

(a) All surface coal mining operations shall be subject to the provisions of this Act, except as excluded in Section 31.

(b) No person shall engage in or carry out on lands within the State any surface coal mining operations unless such person has first obtained a license in accordance with the provisions of this Section. The term of a license shall be continuous and shall authorize the licensee subject to the other provisions of this Title to engage in surface coal mining operations unless the license shall be suspended or revoked in accordance with the provisions of this Title. Suspension, revocation or subcontracting shall in no way relieve the licensee of his obligation to comply with the reclamation requirement of this Title.

(c) An applicant for a license shall file an application in a format prescribed by and satisfactory to the Regulatory Authority which shall contain, among other things, the following information:

(1) The name of the applicant and whether the applicant is an individual, partnership, corporation or other legal entity;

(2) The legal address of the applicant for service of legal process or notice.

(3) If known, the names and addresses of the agents, subsidiaries or independent contractors who may be engaged in surface coal mining on behalf of the applicant on land to be affected. Any agent, subsidiary or independent contractor engaged by the applicant subsequent to issuance of a permit shall be identified to the Regulatory Authority within thirty (30) days of its engagement. The utilization of an agent, subsidiary or subcontractor shall not relieve the licensee of its responsibility hereunder;

(4) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable; the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record 10 percentum or more of any class of voting stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States within the five-year period preceding the date of submission of the application;

(5) All names under which the applicant and persons listed in the license application previously operated or is engaging in surface coal mining within the State of Alabama, or any other state;

(6) A statement of whether the applicant, any subsidiary, affiliate, or persons controlling, controlled by or under common control with the applicant, or any partner of the applicant, if the applicant is a partnership, or any principal officer or director, if applicant is

a corporation, has ever held a Federal or any state mining permit which in the five year period prior to the date of submission of the application has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(d) The applicant shall, as a condition to obtaining a license, satisfy the Regulatory Authority, pursuant to reasonable standards and regulations to be promulgated by it, of the applicant's ability to comply with the provisions of this Title, which standards shall require the applicant to:

(1) Demonstrate that it has available to it sufficient technical skill to assure compliance with the provisions of this Title and the regulations adopted pursuant hereto;

(2) Demonstrate sufficient financial responsibility to reasonably assure the Regulatory Authority of the applicant's financial ability to execute the requirements of this Title pursuant to regulations promulgated by the Regulatory Authority.

(3) Certify by notarized statement under oath that the applicant has read and is fully familiar with the provisions of this Title and with all reclamation requirements contained in this Title and regulations promulgated by the Regulatory Authority.

(4) Certify that the applicant will obtain and will furnish the Regulatory Authority evidence of having obtained such permits as may be required prior to commencing operation under any permit which may be issued under this Title to the applicant.

(e) The Regulatory Authority shall have forty-five (45) days to investigate and to consider the application and issue the license or an order denying its issuance, setting out deficiencies and reasons why the license was not issued and what corrective action should be taken.

(f) (1) The initial fee for a license shall be \$1,000.00 and shall be submitted with the application. Licenses shall be updated annually pursuant to regulations. (2) A licensee with a valid license issued by the Alabama Surface Mining Reclamation Commission prior to the effective date of this Act and who intends to conduct surface coal mining and reclamation operations pursuant to this Title must reapply to the Regulatory Authority for a license within 90 days of the effective date of this Act. The fee for such application shall be \$200.00 and shall be in lieu of the \$1,000.00 initial licensing. The license shall be granted provided that no prior licensee shall be eligible to receive a license until all outstanding and delinquent fines, fees, penalties or other debts owed to the Alabama Surface Mining Reclamation Commission by the prior licensee shall have been paid in full to the

Regulatory Authority. Licenses may be granted with specific conditions or restrictions.

Section 14. Permits.

(a) No person shall engage in surface coal mining operations at a particular location except as a subcontractor of the permittee of that location until such person has been issued a permit by the Regulatory Authority for that location in accordance with the provisions of this Section. The term of a permit shall not exceed 5 years and shall authorize the permittee to engage in surface coal mining operations within the permitted area, unless sooner suspended or revoked in accordance with the provisions of this Title. However, if the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain the necessary financing for equipment and the opening of the operation and that the application is full and complete for such specified longer term, the Regulatory Authority may grant a permit for such longer term. A successor in interest of a permittee who applies for a new permit within thirty (30) days of succeeding of such interest and who is able to obtain the equivalent bond coverage of the original permittee may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied. If a permittee qualified under this Title succeeds another at any uncompleted operation by sale, assignment, lease or otherwise, the Director may release the first permittee from all liability for permit and bond requirements of this Title after the successor permittee has posted adequate bond and the successor permittee assumes full liability for mining and reclamation procedures established herein.

(b) A permit shall terminate prior to its expiration date if the permittee has not commenced the surface coal mining operations covered by such permit within three (3) years of the issuance of the permit: provided, that the Regulatory Authority may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee; Provided further for the purposes of this section, that with respect to coal to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at such time as the construction of the synthetic fuel or generating facility is initiated.

(c) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas

within the boundaries of the existing permit.

(1) The holders of the permit may apply for renewal and such renewal shall be issued (provided that on application for renewal the burden shall be on the opponents of renewal), subsequent to fulfillment of the public notice requirements unless it is established that and written findings by the Regulatory Authority are made that –

(A) the terms and conditions of the existing permit are not being satisfactorily met;

(B) the present surface coal mining and reclamation operation is not in compliance with the environmental protection standards of this Title; or

(C) the renewal requested substantially jeopardizes the permittee's or operator's continuing responsibility on existing permit areas;

(D) the permittee has not provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the Regulatory Authority might require; or

(E) any additional revised or updated information required by the Regulatory Authority has not been provided. Prior to the approval of any renewal of a permit, the Regulatory Authority shall provide notice to the appropriate public authorities.

(2) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Title.

(3) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Title. Application for permit renewal shall be made at least one hundred and twenty days (120) days prior to the expiration of the valid permit.

(d) Not later than two months following the approval of the State Regulatory program pursuant to Section 503 of Public Law 95-87, 30 U.S.C. § 1253, regardless of litigation contesting that approval, all operators of surface coal mines in expectation of operating such mines after the expiration of eight months from the approval of a State Regulatory program shall file an application for a permit with the Regulatory Authority. Such application shall cover those lands to be mined after the expiration of eight months from the approval of a State Regulatory program. The Regulatory Authority shall pro-

cess such applications and grant or deny a permit within eight months after the date of approval of the State Regulatory program, unless specially enjoined by a court of competent jurisdiction, but in no case later than forty-two months from the effective date of this Act.

Section 15. Applications for Permits.

(a) Each application for a surface coal mining reclamation permit under the provisions of this Title shall be accompanied by a fee as determined by the Regulatory Authority, but not to exceed the anticipated cost of reviewing, administering and enforcing the permit; however, in no event shall the permit fee be less than one thousand dollars (\$1000.00). The Regulatory Authority shall develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

(b) The permit application shall be submitted in a format prescribed by and satisfactory to the Regulatory Authority and shall contain, among other things:

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of record of the property (surface and mineral), to be mined; (C) the holders of record of any leasehold interest in the property; (D) any purchaser of record of the property under a real estate contract; and (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

(2) the names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;

(3) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification of each pending application;

(4) any information which has changed from that submitted from the license application or renewal.

(5) a copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks, and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation may be located by local residents, and the location of where the application is available for public inspection;

(6) a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(7) the anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(8) the applicant shall file with the Regulatory Authority on an accurate map or plan, to an appropriate scale, prepared by or under the direction of and certified by a registered professional engineer or registered land surveyor clearly showing the land to be affected as of the date of the application, the area of land within the permit area upon which the applicant has the legal right to enter and commence surface mining operations and shall provide to the Regulatory Authority a statement of those documents upon which the applicant bases his legal right to enter and commence surface mining operations on the area affected and whether that right is the subject of pending court litigation: provided, that nothing in this Title shall be construed as vesting in the Regulatory Authority the jurisdiction to adjudicate property title disputes;

(9) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(10) a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mining site and surrounding areas so that an assessment can be made by the Regulatory Authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability: provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency: provided, further, that the permit shall not be approved until such information is available and is incorporated into the application;

(11) when requested by the Regulatory Authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(12) accurate maps to an appropriate scale prepared by or under the direction of and certified by a registered professional engineer or registered land surveyor clearly showing (A) the land to be affected as of the date of application and (B) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features

and significant known archeological sites existing on the date of application. Such a map or plan shall among other things specified by the Regulatory Authority show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet of the permit area;

(13) cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by (1) a qualified registered professional engineer, or (2) a professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of sub-surface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and top-soil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facility; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(14) a statement of the result of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined except that the provisions of this paragraph (14) may be waived by the Regulatory Authority with respect to the specific application by a written determination that such requirements are unnecessary;

(15) for those lands in the permit application which a reconnaissance inspection suggests may be prime farm lands, a soil survey shall be made or obtained according to standards established by the Secretary of Agriculture in order to confirm the exact location of such prime farm lands, if any; and

(16) information pertaining to coal seams, test borings, core-

samplings, or soil samples as required by this Section shall be made available to any person with an interest which is or may be adversely affected; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(c) If the Regulatory Authority finds that the probable total annual production at all locations of any surface coal mining operator will not exceed 100,000 tons, the determination of probable hydrologic consequences required by subsection (b) (10) and the statement of the result of test borings or core samplings required by subsection (b) (16) of this Section shall, upon the written request of the operator be performed by a qualified public or private laboratory designated by the Regulatory Authority and the cost of the preparation of such determination and statement shall be assumed by the Regulatory Authority.

(d) Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a reclamation plan which shall meet the requirements of this Title.

(e) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the Regulatory Authority where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

(f) Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a certificate issued by an insurance company authorized to do business in the State certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations including use of explosives and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

(g) Each applicant for a surface coal mining and reclamation permit shall submit to the Regulatory Authority as part of the permit application a blasting plan which shall outline the procedures and

standards by which the operator will meet the provisions of Section 22(b)(15).

Section 16. Reclamation Plan Requirements.

(a) Each reclamation plan submitted as part of a permit application pursuant to the provisions of this Title shall include, in the degree of detail necessary to demonstrate that reclamation required can be accomplished, a statement of:

(1) the identification of the lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the sub-areas for which it is anticipated that individual permits for mining will be sought;

(2) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining; and

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover, and, if applicable, a soil survey prepared pursuant to Section 15(b)(15); and

(C) the productivity of the land prior to mining, including appropriate classification as prime farm lands, as well as the average yield of food, fiber, forage, or wood products from such lands obtained under high levels of management;

(3) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of and owner of the surface, State and local governments or agencies thereof which would have to initiate, implement, approve or authorize the proposed use of the land following reclamation;

(4) a detailed description of how the proposed post-mining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(5) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance

standards for prime farm lands; and estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in Section 22;

(6) the consideration which has been given to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future can be minimized;

(7) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) the consideration which has been given to making the surface mining and reclamation operations consistent with surface owner plans, and applicable State and local land use plans and programs;

(9) the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(10) the consideration which has been given to developing the reclamation plan in a manner consistent with local, physical, environmental, and climatological conditions;

(11) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) the results of test boring which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the Regulatory Authority, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental contents which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record;

(13) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of:

(A) the quality of surface and ground water systems, both on and off-site, from adverse effects of the mining and reclamation process;

(B) the rights of present users to such water; and

(C) the quantity of surface and ground water systems, both on and off-site, from adverse effects of the mining and reclamation process or to provide alternative sources of water where such protection

of quantity cannot be assured;

(14) such other requirements as the Regulatory Authority shall prescribe by regulations.

(b) Any information required by this Section shall be kept on file by the Regulatory Authority pursuant to Section 32 of this Act.

Section 17. Permit Approval or Denial.

(a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Title, following public notification and opportunity for a public hearing as required by Section 20, the Regulatory Authority shall grant, require modification of, or deny the permit within 60 days and notify the applicant in writing of its action. The applicant for a permit, or revision of a permit, shall have the burden of establishing that his application is in compliance with all the requirements of this Title. Within ten days after the granting of a permit, the Regulatory Authority shall notify the local governmental officials in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit or revision application shall be approved unless the application affirmatively demonstrates and the Regulatory Authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval and made available to the applicant, that —

(1) the permit application is accurate and complete and that all the requirements of this Title have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Title can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in Section 15(b) has been made by the Regulatory Authority and the proposed operation thereof has been designed to prevent material damage to hydrologic balance outside the permit area;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to Section 28 of this Act or is not within an area under study for such designation in an administrative proceeding commenced pursuant to Section 28(a)(4)(C) or Section 28(b) (unless in such an area as to which an administrative proceeding has commenced pursuant to Section 28(a)(4)(C) of this Act, the operator making the permit application

demonstrates that, prior to January 1, 1977, he has made substantial legal and financial commitments in relation to the operation for which he is applying for a permit);

(5) in cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the Regulatory Authority —

(A) the written consent of the surface owner to the extraction of coal by surface mining methods; or

(B) a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

(C) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined in accordance with State law; provided, that nothing in this Title shall be construed to authorize the Regulatory Authority to adjudicate property right disputes.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the three-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the Regulatory Authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Title or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the Regulatory Authority, department, or agency which has jurisdiction over such violation and no permit shall be issued to an applicant after a finding by the Regulatory Authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Title of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provision of this Title.

(d) (1) In addition to finding the application in compliance with subsection (b) of this section, if the area proposed to be mined contains prime farm land identified as such pursuant to Section 15(b)(15) of this Act, the Regulatory Authority shall, after consultation with the Secretary of Agriculture and pursuant to regulations

issued by the Secretary of Interior with the concurrence of the Secretary of Agriculture, grant a permit to mine on prime farm land if the Regulatory Authority finds in writing that the operator has the technological capability to restore such mined area within a reasonable time, to equivalent or higher levels of yield as non-mined prime farm land in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards of Section 22 (b)(7) of this Act. Except for compliance with subsection (b) of this section, the requirement of this paragraph shall apply to all permits issued after the date of August 3, 1977.

(2) Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or to any revisions or renewals thereof, or any existing surface mining operations for which a permit was issued prior to the date of August 3, 1977.

Section 18. Revision of Permits.

(a) (1) During the term of the permit the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the Regulatory Authority.

(2) An application for a revision of a permit shall not be approved unless the Regulatory Authority finds that reclamation as required by this Title can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the Regulatory Authority's regulations. The Regulatory Authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply; provided, that any revisions which propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Title shall be made without the written approval of the Regulatory Authority.

(c) The Regulatory Authority shall within a time limit prescribed in regulations promulgated by the Regulatory Authority review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit; provided, that such revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by this Title.

Section 19. Coal Exploration Permits.

(a) Coal exploration operations including the removal of coal samples for testing, assaying or other associated non-commercial purposes which substantially disturb the natural land surface may be conducted after filing a notice of intention to explore, including a description of the exploration area, the period of proposed exploration and provisions for reclamation in accordance with Section 22 of this Act.

(b) Information submitted to the Regulatory Authority pursuant to this subsection as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person or entity intended to explore the described area shall not be available for public examination.

(c) Any person who conducts any coal exploration activities which substantially disturb the natural land surface in violation of this section or regulations issued pursuant thereto shall be subject to the enforcement provisions of this Title.

(d) No operator shall affect more than one-half acre in any one location or remove more than two hundred-fifty tons of coal pursuant to an exploration permit without the specific written approval of the Regulatory Authority.

Section 20. Permit Review Process and Appeals.

(a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Title, the applicant shall submit to the Regulatory Authority a copy of his advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks. The Regulatory Authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities or companies may submit written comments within a reasonable period established by the Regulatory Authority on the mining applications with respect to the effect of the proposed operation on the environment which are within their area of responsibility. Such comments shall immediately be transmitted to the ap-

plicant by the Regulatory Authority and shall be made available to the public at the same locations as are the mining applications.

(b) Any person having an interest which is or may be adversely affected or the officer or head of any Federal, State or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the Regulatory Authority within thirty days (30) after the last publication of the above notice. Such objections shall immediately be transmitted to the applicant by the Regulatory Authority and shall be made available to the public. If written objections are filed and an informal conference requested, the Regulatory Authority shall then hold an informal conference in the locality of the proposed mining if requested within a reasonable time of the receipt of such objections or request. The date, time and location of such informal conference shall be advertised by the Regulatory Authority in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The Regulatory Authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding unless waived by all parties. Such record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting an informal conference stipulate agreement prior to the requested informal conference and withdraw their request, such informal conference need not be held.

(c) If an informal conference has been held pursuant to subsection (b), the Regulatory Authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the Regulatory Authority granting or denying the permit in whole or in part and stating the reasons therefor within the sixty days of said hearings.

(d) If there has been no informal conference held pursuant to subsection (b), the Regulatory Authority shall notify the applicant for a permit within a reasonable time as determined by the Regulatory Authority and set forth in regulations, taking into account the time needed for proper investigation of the site, the complexity of the permit application, and whether or not written objection to the application has been filed, whether the application has been approved or disapproved in whole or part.

(e) If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is

notified of the final decision of the Regulatory Authority on the permit application, the applicant or any person with an interest which is or may be adversely affected may request a hearing before a hearing officer on the final decision of the Regulatory Authority. The hearing officer shall hold a hearing within thirty days of such request and provide notification to all interested parties at the time that the applicant is so notified. Such hearing shall be conducted pursuant to Sections 9 and 10 of this Act, and a decision shall be rendered within 30 days after the hearing.

(f) Where a hearing is requested pursuant to subsection (e), the hearing officer may, under such conditions as he may prescribe, grant such temporary relief as he deems appropriate pending final determination of the proceedings if —

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

Section 21. Performance Bonds and Bond Releases.

(a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the Regulatory Authority, on a form prescribed and furnished by the Regulatory Authority, a bond for performance payable to the State and conditioned upon faithful performance of all the requirements of this Act and the permit. The bond shall cover all lands disturbed by the surface coal mining operation and the amount of the initial bond shall be such to cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the Regulatory Authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit, shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the Regulatory Authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the

work had to be performed by the Regulatory Authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than ten thousand dollars (\$10,000).

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for the period coincident with operator's responsibility for revegetation requirements in Section 22. The bond shall be executed by the operator and a corporate surety licensed to do business in the State, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The Regulatory Authority may accept the bond of the applicant itself without separate surety when the applicant demonstrates pursuant to regulations of the Regulatory Authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount or the Regulatory Authority may approve an alternative system pursuant to regulations that will achieve the objectives and purposes of the bonding program pursuant to this section.

(d) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(e) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the Regulatory Authority from time to time as the acreage in the permit area is revised, methods of mining operation change, standards of reclamation change or when the cost of future reclamation, restoration or abatement change. The Regulatory Authority shall notify the permittee of any proposed bond adjustment and provide the permittee an opportunity for an informal conference on the adjustment, with notice to the landowner and surety, if any.

(f) The permittee may file a request with the Regulatory Authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the Regulatory Authority, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain

a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the amount of the bond filed and the portion sought to be released, and the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(g) Upon receipt of the notification and request, the Regulatory Authority shall within thirty days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution. The Regulatory Authority shall notify the permittee in writing of its decision to release or not to release all or part of the performance bond or deposit within sixty days from the filing of the request, or if a public hearing has been held pursuant to subsection (k), within thirty days thereafter.

(h) The Regulatory Authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, 60 per centum of the bond or collateral for the applicable permit area may be released.

(2) When determining the amount of bond to be released after successful revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, the Regulatory Authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in Section 22 of this Act of reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by Section 22 (b)(10) of this Act, or until soil productivity for prime farm lands has returned

to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 15 (b)(15) of this Act. Where a silt dam is to be retained as a permanent impoundment pursuant to Section 22 (b)(8) of this Act, the portion of bond may be released under this paragraph so long as provisions for sound future maintenance by the operator or the landowner have been made with the Regulatory Authority.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond may be released, but not before the expiration of the period specified for operator responsibility in Section 22 of this Act, provided, however, that no bond shall be fully released until all reclamation requirements of this Title are fully met.

(i) If the Regulatory Authority disapproves the application for release of the bond or portion thereof, the Regulatory Authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for a public hearing.

(j) When any application for total or partial bond release is filed with the Regulatory Authority, the Regulatory Authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(k) Any person with a valid legal interest which might be adversely affected by release of the bond or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law with respect to any environmental, social, or economic impact involved in the operation, or is authorized to develop and enforce environmental standards with respect to such operations shall have the right to file written objections to the proposed release from bond with the Regulatory Authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, a hearing shall be held before a hearing officer pursuant to Sections 9 and 10 of this Act. The hearing officer shall inform all the interested parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The hearing officer shall advertise the date, time, and location of such public hearings, in a newspaper of general circulation in the locality for two consecutive weeks, and shall hold a public hearing in the locality of the surface coal mining operation proposed for bond release or at the office of the Regulatory Authority,

at the option of the objector, within thirty days of the request for such hearing.

(1) Without prejudice to the rights of the objectors, the applicant, or the responsibilities of the Regulatory Authority pursuant to this section, the Regulatory Authority may establish an informal conference as provided in Section 20(b) to resolve such written objections.

Section 22. Environmental Protection Performance Standards.

(a) Any permit issued pursuant to this Act to conduct surface mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Title, and such other requirements as the Regulatory Authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to —

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized;

(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

(3) except as provided in subsection (c) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Title); provided, however, that in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator

demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and provided further, that in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate original contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this Title;

(4) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(5) remove the topsoil from the land in a separate layer, replace it on the backfill area or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

(6) restore the topsoil or the best available subsoil which is best able to support vegetation;

(7) for all prime farm lands as identified in Section 15 (b)(15) to be mined and reclaimed, specifications for soil removal, storage,

replacement, and reconstruction shall be established by the Secretary of Agriculture, and the operator shall, as a minimum, be required to —

(A) segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity; and if not utilized immediately, stock pile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(B) segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be both texturally and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(C) replace and regrade the root zone material described in (B) above with proper compaction and uniform depth over the regraded spoil material; and

(D) redistribute and grade in a uniform manner the surface soil horizon described in subparagraph (A);

(8) create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that —

(A) the size of the impoundment is adequate for its intended purpose;

(B) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable Federal and State Law in the receiving stream;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for

proposed water users; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(9) conduct any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the Regulatory Authority determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety; provided, that the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts;

(10) minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by —

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to —

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(B) (i) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable State or Federal law;

(ii) constructing any siltation structures pursuant to subparagraph (B)(i) of this subsection prior to commencement of surface coal mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(C) cleaning out and removing temporary or large settling ponds

or other siltation structures from drainways except those approved pursuant to subsection (b)(8) after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the Regulatory Authority;

(D) restoring recharge capacity of the mined area to approximate premining conditions;

(E) avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(F) such other actions as the Regulatory Authority may prescribe;

(11) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Title;

(12) refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners; provided, that the Regulatory Authority shall permit an operator to mine near, through or partially through an abandoned underground mine or closer to an active underground mine if (A) the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities are jointly approved by the Regulatory Authorities concerned with surface mine regulation and the health and safety of underground miners, and (B) such operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public;

(13) design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments, in accordance with regulations developed by the Regulatory Authority consistent with the requirements of § 515(f) of P.L. 95-87.

(14) insure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans

are developed to prevent sustained combustion;

(15) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the Regulatory Authority; which shall include provisions to —

(A) provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site and by providing daily notice or audible warnings to resident/occupiers in such areas prior to any blasting;

(B) maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;

(C) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit areas, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area;

(D) require that all blasting operations be conducted by trained and competent persons as certified by the Regulatory Authority;

(E) provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the Regulatory Authority and a copy to the resident or owner making the request. The area of the survey shall be decided by the Regulatory Authority.

(16) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations; provided, however, that where the applicant proposes to combine surface mining operations with such other mining operations to assure maximum practical recovery of the mineral resources, the Regulatory Authority may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit such other mining operations prior to reclamation:

(A) if the Regulatory Authority finds in writing that:

(i) the applicant has presented, as part of the permit application, specific, feasible plans for the proposed such other operations;

(ii) the proposed such other mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface;

(iii) the applicant has satisfactorily demonstrated that the plan for the such other mining operations conforms to requirements for such other mining in the jurisdiction and that permits necessary for the such other mining operations have been issued by the appropriate authority;

(iv) the areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed such other mining operations;

(v) no substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this Title;

(vi) provisions for the off-site storage of spoil will comply with subsection (b)(22);

(B) all specific regulations governing the granting of such variance have been complied with;

(C) the variance granted under the provisions of this subsection are to be reviewed by the Regulatory Authority not more than three years from the date of issuance of the permit; and

(D) if liability under the bond filed by the applicant with the Regulatory Authority shall be for the duration of the such other mining operations and until the requirements of Section 21 of this Act and subsection (b) of this Section have been fully complied with.

(17) insure that the construction, maintenance, and post-mining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property;

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity of such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of

cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved post-mining land use plan;

(20) assume the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above; provided, that when the Regulatory Authority approves a long-term intensive agricultural post-mining land use, the applicable five-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural post-mining land use; provided further, that when the Regulatory Authority issues a written finding approving a long-term, intensive, agricultural post-mining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above;

(21) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(22) place all excess spoil material resulting from surface coal mining and reclamation activities in such a manner that —

(A) spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(B) the areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(C) appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(D) the disposal area does not contain springs, natural water courses or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(E) if placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgement of the Regulatory Authority, the spoil could be placed in compliance with all the requirements of this Title, and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(F) where the toe of the spoil rests on a downslope, a rock toe

buttress, of sufficient size to prevent mass movement, is constructed;

(G) the final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(H) design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards, and

(I) all other provisions of this Title are met.

(23) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Title, taking into consideration the physical, climatological, and other characteristics of the site; and

(24) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental value, and achieve enhancement of such resources where practicable;

(25) provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the Regulatory Authority shall determine shall be retained in place as a barrier to slides and erosion.

(c) (1) The Regulatory Authority shall promulgate regulations which shall include procedures pursuant to which the Regulatory Authority may permit surface mining operations for the purposes set forth in paragraph (3) of this subsection.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a permit without regard to the requirement to restore to approximate original contour set forth in subsection 22 (b)(3) or 22 (d)(2) and (3) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c)(4)(A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting post-mining uses in accord with the requirements of this subsection.

(3) In cases where an industrial, commercial, agricultural, residential or public facility (including recreational facilities) use is proposed or the post-mining use of the affected land, the Regulatory Authority may grant a permit for a surface mining operation of the nature described in subsection (c)(2) where —

(A) after consultation with the appropriate land use planning

agencies, if any, the proposed post-mining land use is deemed to constitute an equal or better economic or public use of the affected land, as compared with premining use;

(B) the applicant presents specific plans for the proposed post-mining land use and appropriate assurances that such use will be –

- (i) compatible with adjacent land uses;
- (ii) obtainable according to data regarding expected need and market;
- (iii) assured of investment in necessary public facilities;
- (iv) supported by commitments from public agencies where appropriate;
- (v) practicable with respect to private financial capability for completion of the proposed use;
- (vi) planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the post-mining land use; and
- (vii) designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(C) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(D) the Regulatory Authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the Regulatory Authority in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;

(E) all other requirements of this Title will be met.

(4) In granting any permit pursuant to this subsection, the Regulatory Authority shall require that –

(A) the toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the out slopes except at specified points;

(D) no damage will be done to natural water-courses;

(E) spoil will be placed on the mountaintop bench as is neces-

sary to achieve the planned post-mining land use; provided, that all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of subsection (b)(22) of this Section;

(F) insure stability of the spoil retained on the mountaintop and meet the other requirements of this Title;

(5) The Regulatory Authority shall promulgate specific regulations to govern the granting of permits in accord with the provisions of this subsection, and may impose such additional requirements through those regulations.

(6) All permits granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(d) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section; provided, however, that the provisions of this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominately flat area or where an operator is in compliance with provisions of subsection (c) hereof:

(1) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut; provided, that spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of subsection 22 (b)(3) or 22 (d)(2) shall be permanently stored pursuant to subsection 22 (b)(22).

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return the site to the appropriate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the Regulatory Authority finds that such disturbance will facilitate compliance with the environmental protection standards of this section; provided, however, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance.

(4) For the purposes of this subsection (d), the term "steep

slope" is any slope above twenty (20) degrees, or any lesser slope which may be defined pursuant to the Regulatory Authority's regulations based upon considerations of soil, terrain, geology and other characteristics of a region or the State.

(e) (1) The Regulatory Authority may promulgate regulations which shall include procedures pursuant to which the Regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection (d)(2) of this Section may be granted for the surface mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

(3) (A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use;

(B) is designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(C) and after approval of the appropriate State environmental agencies, the watershed of the affected land is deemed to be improved.

(4) In granting a variance pursuant to this subsection the Regulatory Authority shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned post-mining land use, insure stability of the spoil retained on the bench, meet all other requirements of this title, and all spoil placement off the mine bench must comply with subsection (b)(22).

(5) The Regulatory Authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of

issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(f) Upon the request of a municipality or fifteen (15) citizens of a municipality who are being affected by blasting operations of a surface coal mine, the Regulatory Authority shall solicit and consider public comments from those being affected in determining the necessity for more stringent standards. The final written determination of the Regulatory Authority, including any proposed standards, or the failure of the Regulatory Authority to act within a reasonable time, shall be reviewed by the Commission. The Commission, if requested by the municipality, twenty-five (25) citizens of the municipalities or any affected licensee, shall hold a public hearing in the manner specified in Section 10 of this Act. The Commission shall affirm or reverse the written determination or refer it to the Regulatory Authority for further specific inquiries.

Section 23. Surface Effects of Underground Coal Mining Operations.

(a) The Regulatory Authority shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, and embodying the following requirements; provided, that in adopting any rules and regulations, the Regulatory Authority shall consider all distinct differences between surface coal mining and underground coal mining.

(b) Each permit issued pursuant to this Title and relating to underground coal mining shall require the operator to –

(1) adopt measures consistent with available technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining methods used requires planned subsidence in a predictable and controlled manner; provided, that nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining;

(2) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal

processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade waters below water quality standards established pursuant to applicable Federal and State law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of the section;

(5) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to the Regulatory Authority's regulations, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by –

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to –

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall such contributions be

in excess of requirements set by applicable State or Federal law), and avoiding channel deepening or enlargements in operations requiring the discharge of water from mines;

(10) with respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under Section 22 of this Act for such effects which result from surface coal mining operations; provided, that the Regulatory Authority shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate all distinct differences between surface and underground coal mining;

(11) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(12) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(C) In order to protect the stability of the land, the Regulatory Authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if it finds imminent danger to inhabitants of the urbanized areas, cities, towns and communities.

(D) The provisions of this Title relating to permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate all distinct differences between surface and underground coal mining. The Regulatory Authority shall promulgate such modifications in accordance with the rulemaking procedures established in Section 6 of this Act.

Section 24. Inspections.

(a) For the purpose of developing or assisting in the development, administration, and enforcement of this Act or in the administration and enforcement of any permit under this Act, or of determin-

ing whether any person is in violation of any requirement of this Title —

(1) the Regulatory Authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the Regulatory Authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the Regulatory Authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the Regulatory Authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the Regulatory Authority shall specify those —

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation. The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the Regulatory Authority in order to assure their reliability and validity; and

(3) the authorized representatives of the Regulatory Authority, without advance notice and upon presentation of appropriate credentials, (A) shall have the right of entry to, upon or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Title.

(b) The inspections by the Regulatory Authority shall (1) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Title.

(c) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(d) Each inspector, upon detection of each violation of any requirement of this Title, shall forthwith inform the operator in writing, and shall report in writing any such violation to the Regulatory Authority.

(e) Copies of any records, reports, inspection materials, or information obtained under this Title by the Regulatory Authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

(f) (1) Any person who is or may be adversely affected by a surface mining operation may notify the Regulatory Authority or any representative of the Regulatory Authority responsible for conducting the inspection, in writing, of any violation of this Title which he has reason to believe exists at the surface mining site. The Regulatory Authority shall, by regulation, establish procedures for informal review of any refusal by a representative of the Regulatory Authority to issue a citation with respect to any such alleged violation. The Regulatory Authority shall furnish such persons requesting the review a written statement of the reasons for the Regulatory Authority's final disposition of the case.

(2) The Regulatory Authority shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the Regulatory Authority of any failure to make such inspections, after which the Regulatory Authority shall determine whether adequate and complete inspections have been made. The Regulatory Authority shall furnish such persons a written statement of the reasons for the Regulatory Authority's determination that adequate and complete inspections have or have not been conducted.

Section 25. Enforcement.

(a) Whenever, on the basis of any information available to it, including receipt of information from any person, the Regulatory Authority has reason to believe that any person is in violation of any requirement of this Title or any permit condition required by this Title, the Regulatory Authority shall immediately order an inspection of the surface coal mining operation at which the alleged violation is occurring unless the same information is available to the Regulatory Authority as a result of a previous inspection. When the inspection

results from information provided to the Regulatory Authority by any person, the Regulatory Authority shall notify such person when the inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection. The Regulatory Authority shall consult with all State and Federal agencies charged with the enforcement of mine safety regulations and shall ensure that the person accompanying the inspector complies with appropriate safety standards and regulations. The Regulatory Authority shall provide that the person accompanying the inspector assumes the risk of personal injury where such injury results from conduct of the operator which is neither negligent nor intentional and where the person accompanying the inspector fails to comply with appropriate safety standards and regulations.

(b) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any condition or practice exists or that any permittee is in violation of any requirement of this Title or any permit condition required by this Title, and such violation, condition or practice also creates an imminent danger to the health or safety of the public, or is causing or can reasonably be expected to cause significant imminent environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice or violation and issue a citation for an expeditious hearing before a hearing officer pursuant to Sections 9 and 10 of this Act. Such cessation order shall remain in effect until the Regulatory Authority or its authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this section or by the hearing officer. Where the Regulatory Authority finds that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to the health or safety of the public or the significant, imminent environmental harm to land, air, or water resources, the Regulatory Authority shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the Regulatory Authority deems necessary to abate the imminent danger or the significant, imminent harm.

(c) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any permittee is in violation of any requirement of this Title, including any permit condition required by this Title, but such violation does not create an imminent

danger to the health or safety of the public or cannot be reasonably expected to cause significant, imminent environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for an informal conference. If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written findings of the Regulatory Authority or its authorized representative, the Regulatory Authority or its authorized representative finds that the violation has not been abated, a cessation order shall immediately be issued for the relevant portion of the surface coal mining and reclamation operation including the entire operation, if relevant. Such cessation order shall remain in effect until modified, vacated or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this Section or until the Regulatory Authority or its authorized representative determines that the violation has been abated. In the order of cessation the Regulatory Authority shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order. Actions taken by the Regulatory Authority under this subsection may be reviewed by a hearing officer pursuant to Sections 9 and 10 of this Act.

(d) When, on the basis of an inspection, the Regulatory Authority or its authorized representative determines that a pattern of violations of any requirements of this Title or any permit conditions exists or has existed, and if the Regulatory Authority or its authorized representative also find that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Title or any permit conditions, or that such violations are willful caused by the permittee, the Regulatory Authority or its authorized representative shall forthwith issue an order to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing before a hearing officer pursuant to Sections 9 and 10 of this Act. If a hearing is requested, the hearing officer shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the hearing officer shall forthwith suspend or revoke the permit. If the hearing officer revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the hearing officer or the hearing officer shall declare as forfeited the performance bonds for the operation.

(e) Notices and orders issued pursuant to this Section shall set forth with reasonable specificity the nature of the violation and the

remedial action required, the period of time established for abatement and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Regulatory Authority or its authorized representative who issues such notice or order and all such notices and orders shall be in writing and shall be signed by the Regulatory Authority or such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated or terminated by the Regulatory Authority or its authorized representative. Provided, that any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty (30) days of actual notice to the operator or his agent, unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the public hearing.

(f) The Regulatory Authority may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the circuit court for the county in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Regulatory Authority under this Act, or (B) interferes with, hinders or delays the Regulatory Authority or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Regulatory Authority in furtherance of the provisions of this Act or (F) refuses to permit access to, and copying of, such records as the Regulatory Authority determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Alabama Rules of Civil Procedure as amended. Any relief granted by the court to enforce an order under clause (A) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this Act, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

Section 26. Penalties.

(a) Any permittee or operator who violates any permit condition or who violates any other provision of this Act, may be assessed a civil penalty by the Regulatory Authority, except that if such violation leads to the issuance of a cessation order under Section 28, the

civil penalty shall be assessed. Such penalty shall not exceed five thousand dollars (\$5,000.00) for each violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Regulatory Authority only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing before a hearing officer pursuant to Sections 9 and 10. Where such a public hearing has been held, the hearing officer shall make findings of fact, and he shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the hearing officer shall consolidate such hearings with other proceedings under Section 25 of this Title. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Regulatory Authority after the Regulatory Authority has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Regulatory Authority shall inform the operator within thirty (30) days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the regulatory authority for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the regulatory authority shall within thirty days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the regulatory authority within thirty days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(d) Civil penalties owed under this Act may be recovered in a

civil action brought by the Attorney General at the request of the Regulatory Authority in any appropriate circuit court of this State.

(e) Any person who willfully and knowingly violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 10 or Section 25 of this Act or any order incorporated in a final decision issued by the Regulatory Authority under this Act, except an order incorporated in a decision issued under subsection (b) of this section, shall, upon conviction be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for not more than one year or both.

(f) Whenever a corporate permittee violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 25 of this Act, or any order incorporated in a final decision issued by the Regulatory Authority under this Act except an order incorporated in a decision issued under subsection (b) of this section, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (e) of this section.

(g) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plant, or other document filed or required to be maintained pursuant to this Act or any order or decision issued by the Regulatory Authority under this Act, shall upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for not more than one year or both.

(h) Any operator who fails to correct a violation for which a citation has been issued under Section 25 within the period permitted for its correction (which period shall not end until the entry of a final order or the conclusion of the appeals process), shall be assessed a civil penalty of not less than \$750 for each day during which such failure or violation continues, but not to exceed thirty days.

(i) Any operator who forfeits his bond for willful failure to reclaim the affected land shall not be issued a new permit for any operation in which he owns any interest until he has paid to the Regulatory Authority for deposit to the Alabama Surface Mining Fund the sum equal to the amount of coverage of the forfeited bond. This repayment will not affect the previous bond forfeiture of the operator.

(j) Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Regulatory Authority or any of its agents in the performance of duties pursuant to this Act

shall be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than one year, or both.

Section 27. Citizen's Suits.

(a) Except as provided in subsection (b) of this Section, any person having an interest which is or may be adversely affected, (or any citizen of this State having knowledge that any of the provisions of this Act are willfully or deliberately not being enforced and who files a statement with the Regulatory Authority in writing and under oath with facts set forth specifically stating the nature of the failure to enforce the provisions of this Act), may commence a civil action on his own behalf to compel compliance with this Act –

(1) against any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States which is alleged to be in violation of the provisions of this Act or of any rule, regulation, order or permit issued pursuant thereto, or against any other person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this Act; or

(2) against the Regulatory Authority to the extent permitted by the eleventh amendment to the Constitution of the United States where there is alleged a failure of the Regulatory Authority to perform any act or duty under this Act which is not discretionary with the Regulatory Authority.

In a civil action brought pursuant to this subsection, the cause shall be tried in the Circuit Court with jurisdiction over the location of the Regulatory Authority's principal office, except that in a civil action brought against any person pursuant to paragraph (1) of this subsection, the cause shall be tried in the Circuit Court of the County where the alleged violation occurred and the action in either case shall be prosecuted in the name of the real party in interest.

(b) No action may be commenced –

(1) under subsection (a) (1) of this Section –

(A) prior to sixty days after the plaintiff has given notice in writing of the violation (i) to the Regulatory Authority, (ii) to the Secretary of the Interior, and (iii) to any alleged violator; or

(B) if the Secretary of the Interior, or the Regulatory Authority, has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this Title, or any rule, regulation, order, or permit issued pursuant to this Title. In any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a) (2) of this Section prior to sixty days after the plaintiff has given notice in writing of such action to the Regulatory Authority in such manner as the Regulatory Authority by regulation shall prescribe except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c) In such action under this section, the Regulatory Authority or the Secretary of the Interior if not parties, may intervene as a matter of right.

The court, in issuing any final order in any action brought pursuant to subsection (a) of this Section, may award costs of litigation (including attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court shall, if a temporary restraining order or preliminary injunction is sought require the filing of a bond or equivalent security in accordance with the Alabama Rules of Civil Procedure.

(e) Nothing in this Section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief, including relief against the Regulatory Authority, as permitted by the Constitution and laws of this State.

(f) Any person who is injured in his person or property through the violation by any operator of any rule, regulation, order, or permit issued pursuant to this Title may bring an action for damages in the venue available under Alabama law. Nothing in this subsection shall affect the rights established by or limits imposed under State Workmen's Compensation laws.

Section 28. Designating Areas Unsuitable for Surface Coal Mining.

(a) (1) The Regulatory Authority shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of the State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection but such designation shall not prevent the mineral exploration pursuant to the Act of any area so designated.

(2) Upon petition pursuant to subsection (c) of this Section, the Regulatory Authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the Regulatory Authority determines that reclamation pursuant to the requirements

of this Title is not technologically and economically feasible.

(3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will –

(A) be incompatible with existing State or local land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this Section, the Regulatory Authority, which is the State agency responsible for surface mining lands review, must develop a process which includes –

(A) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(B) a method or methods for implementing land use planning decisions concerning surface coal mining operations; and

(C) proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this Section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this Section shall not apply to lands on which surface coal mining operations are being conducted on August 3, 1977 or under a permit issued pursuant to this Title, or where substantial legal and financial commitments in such operation were in existence prior to January 4, 1977.

(b) Any person having an interest which is or may be adversely affected shall have the right to petition the Regulatory Authority to have an area designated as unsuitable for surface coal mining opera-

tions or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence which would tend to establish the allegations. Within ten months after receipt of the petition the Regulatory Authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person having an interest which is or may be adversely affected has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence which would tend to establish the allegations. Within sixty (60) days after such hearing, the Regulatory Authority shall issue and furnish to the petitioner and any other party to the hearing, a written decision regarding the petition, and the reasons therefore. In the event that all the petitioners stipulate agreement prior to the requested hearing, and withdraw their request, such hearing need not be held.

(c) Prior to designating any land areas as unsuitable for surface coal mining operations, the Regulatory Authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(d) Within thirty (30) days of the final decision of the Regulatory Authority, any party to the proceedings before the Regulatory Authority may petition the Commission to review the decision. Upon request, the Commission shall hold a public hearing after appropriate notice in the manner specified in Section 10 of this Act at such location as the Commission deems appropriate. At the hearing, any person may appear and be heard on the record. Documentary or other evidence may be received for inclusion in the record. Within thirty (30) days of the hearing, the Commission shall issue a written decision affirming or reversing the decision of the Regulatory Authority or referring the decision back to the Regulatory Authority for further specific inquiry.

(e) After the enactment of this Act and subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted —

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act, National Recreation Areas designated by Act of Congress; and any state park;

(2) on any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands if the Secretary of Interior finds that there

are no significant recreational, timber, economic, or other values which may be incompatible with such surface mining operations and surface operations and impacts are incident to an underground coal mine;

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the Regulatory Authority and the Federal, State, or local agency with jurisdiction over the park or the historic site;

(4) within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the Regulatory Authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery;

(6) within one thousand feet horizontally of the mean high water level of Lewis Smith Lake (which mean high water level shall be a topographic contour line corresponding to the spillway elevation of Lewis Smith Lake Dam); one thousand feet horizontally of the rim of Little River Canyon; one thousand feet horizontally on either side of the Little River and the East, Middle and West Forks of the Little River.

Section 29. Water Rights and Replacement.

(a) Nothing in this Title shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.

(b) The operator of a surface coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such surface coal mine operation.

Section 30. Experimental Practices.

In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, resi-

dential, or public use (including recreational facilities), the Regulatory Authority with approval by the Secretary of Interior may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under Sections 22 and 23 of this Title. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

Section 31. Surface Mining Operations Not Subject to This Title.

The provisions of this Title shall not apply to any of the following activities:

(a) The extraction of coal by a landowner for his own noncommercial use from land owned or leased by him;

(b) For surface mining operations affecting two areas or less, the Regulatory Authority may waive certain requirements of this Act where those requirements will not affect the reclamation of the affected lands.

(c) The extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction under regulations established by the Regulatory Authority.

(d) The extraction of coal incidental to the extraction of other minerals where coal does not exceed $16 \frac{2}{3}$ percent of the tonnage of minerals removed for commercial use or sale pursuant to regulations established by the Regulatory Authority.

Section 32. Availability of Records.

Any record, report or information required to be submitted to the Regulatory Authority by a licensee or permittee pursuant to this Title shall be available to the public, except as provided elsewhere in this Title and except that upon a verified representation to the Regulatory Authority by an applicant, licensee or permittee that a record, report or information, or particular part thereof, to which the Regulatory Authority has access under this Title, if made public, would divulge production or financial data or methods, processes or production unique to the person or would otherwise tend to affect adversely the competitive position of the person, the Regulatory

Authority shall treat the record, report or information or particular portion thereof as confidential in the administration of this Title.

Section 33. Leases of Certain Lands.

The Regulatory Authority is hereby vested with the authority and responsibility for consulting with all institutions of this state which own lands or mineral interests relating to all coal leases proposed to be entered into by such institutions. The Regulatory Authority is hereby designated as the agency of the State of Alabama for reviewing and approving such coal leases. Upon submission of any such proposed lease, the Regulatory Authority shall, within forty-five (45) days, by order approve or disapprove such proposed lease; upon failure of the Regulatory Authority to act within such time, such lease shall be conclusively presumed approved. In any case in which the Regulatory Authority refuses to approve the execution of such a lease, the proposed lessee may demand a hearing before a hearing officer pursuant to the provisions of Sections 9 and 10 of this Act with all rights of appeal as set forth.

Section 34. Reports of Certain Coal Sales.

Any person engaged in the business of coal brokering or operating a coal sales agency in the State of Alabama and each and every person, corporation or other legal entity operating an electric system for the sale of electric energy for resale, sale to the public or sale to its members and each and every industrial purchaser of coal in the State of Alabama shall report, on a form to be furnished by the Regulatory Authority, at intervals, of not less than sixty (60) days, the name, address, license number and permit number of the producer of all coal purchased by it since its last reporting period. In the event that any person named in the preceding sentence purchases coal mined outside of the State of Alabama, such facts shall be so noted on the form described above. Failure of the persons described in this section to render such reports shall constitute a misdemeanor punishable by fine of not more than five thousand dollars (\$5,000.00); provided, that prior to instituting any such action, the Regulatory Authority, in the case of a first offense only, shall notify such person by certified or registered mail of the failure to comply with this provision of this Title and shall afford such person not more than ten (10) days to furnish such report. Officers, employees and agents of the Regulatory Authority shall be permitted to inspect the records and books of the persons specified above to determine the accuracy of such reports, such inspection to take place at reasonable times. In no event shall the Regulatory Authority require disclosure of the amounts of any purchase or the purchase price paid for such coal or of any information other than that set forth above, except by specific subpoena in preparation for hearing or other enforcement action.

TITLE IV

MISCELLANEOUS PROVISIONS

Section 35. Alabama Surface Mining Fund.

(a) All sums received through the payment of fees, the forfeiture of bonds, the recovery of civil penalties or appropriations by the legislature shall be placed in the State Treasury and credited to an open account designated as the Alabama Surface Mining Fund. This fund, which shall include the Alabama Surface Mining Reclamation Fund established by Act No. 551, 1975 Regular Session, shall be available to the Regulatory Authority for expenditure in the administration and enforcement of this Title, and training, reclamation and research programs; provided, that the proceeds from the forfeiture of any bond shall be used to the extent required by law in completing reclamation and revegetation of the area with respect to which the bond applies. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse, but shall be carried forward for the purposes of this Title until expended.

(b) There is authorized to be appropriated to the Alabama Surface Mining Fund initially the current balance of the Alabama Surface Mining Reclamation Fund at the effective date of this Act and such other sums as may thereafter be appropriated by the legislature.

Section 36. Funding.

The Regulatory Authority shall make every effort to obtain maximum reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under this Act. The Regulatory Authority is authorized to accept, administer and expend such funds or grants as it may receive, including such funds as may be appropriated by the Legislature.

Section 37. Constitutionality and Validity.

(a) If Public Law 95-87, or any rule or regulation promulgated thereunder or any part of such Public Law 95-87, is adjudged unconstitutional or invalid for any reason, then such provisions of this Act, or such rules or regulations as were adopted in order to comply with the provisions of Public Law 95-87 which correspond to such constitutional or invalid provisions shall become void and be of no further force and effect, and any regulations adopted by the Commission implementing such provisions, or corresponding to any federal rules or regulations which are declared unconstitutional or invalid shall become void and be of no further force or effect. In the event Public Law 95-87 or any part thereof or any rule or regulation promulgated thereunder is enjoined, suspended or the enforcement thereof is stayed

pending litigation, then the Commission shall immediately suspend the enforcement of the corresponding section or sections of this Act, or any rules and regulations promulgated hereunder; such suspension to exist for a period of time co-extensive with the suspension and enforcement of such provisions of Public Law 95-87 or the rules or regulations adopted thereunder. In the event the Congress of the United States repeals any provision of Public Law 95-87 then any corresponding provision of this Act shall upon such repeal be of no further force and effect; in the event the Congress of the United States amends Public Law 95-87 by lessening or in any way making the requirements of such act less restrictive on the state or on those engaged in the surface mining industry then such amendment shall be deemed to have amended this Act in like manner.

(b) The State of Alabama, by any provision, part or all of this Act, does not waive any rights and powers reserved to it by the tenth amendment to the Constitution of the United States, and this Act shall not be interpreted so as to prevent the State of Alabama from protecting any and all of its rights and governmental powers through any legal action as might be determined by duly constituted officials of the State of Alabama.

Section 38. Repealer.

This Act is cumulative and is intended to preempt local, municipal, county and State regulation of surface coal mining operations and to supplement existing State law and no part hereof shall be construed to repeal or supersede an existing State law specifically enacted for the control, abatement or prevention of water or air pollution. The Alabama Surface Mining Act of 1969 (Act 399, Regular Session 1969) now appearing as sections 9-16-1 through 9-16-15 Code of Alabama 1975, is not repealed as to the regulation of the surface mining of clay, sand, gravel, ores, limestone, marble, dolomite, and other minerals. The Little River Canyon Preservation Acts, Act 227, H. 49 and Act 524, H. 1225 of the 1976 Regular Session (Acts of Alabama pages 243 and 669 respectively) are not repealed. All other laws or parts of laws which are inconsistent with this Act are hereby repealed.

Section 39. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 40. Effective Date.

This Act shall become effective immediately upon:

- (a) its passage and approval by the Governor, or upon its other-

wise becoming a law; and

(b) upon the approval of the State Regulatory Program by the Secretary of Interior pursuant to Section 503 of P. L. 95-87, 30 U.S.C. § 1253 (1977).

however upon the passage and approval by the Governor of this Act, or upon its otherwise becoming a law the Alabama Surface Mining Commission shall have the authority to promulgate those regulations necessary for the State to retain exclusive jurisdiction over the regulation of surface coal mining and reclamation operations pursuant to Section 503 of Public Law 95-87, 30 U.S.C. § 1253 et. seq. Any proceedings currently being taken or previously taken by the Alabama Surface Mining Reclamation Commission for the purpose of promulgating the necessary regulations shall be continued and considered actions of the reconstituted Commission.

Approved May 6, 1981

Time: 5:00 P.M.

Act No. 81-436

S. 628—Mr. Callahan

AN ACT

To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the governor:

PROPOSED AMENDMENT

PROCEDURE FOR FILLING VACANCIES IN OFFICE OF JUDGE OF CIRCUIT COURT AND THE OFFICE OF JUDGE OF THE DISTRICT COURT AT MOBILE COUNTY; MOBILE COUNTY JUDICIAL COMMISSION.

All vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County which shall occur subsequent to January 15, 1982, shall be filled in the manner and for the time as herein provided.

The Mobile County judicial commission is hereby created for the

purpose of nominating to the governor persons for appointment to such a vacancy. The members of such commission shall be (a) two persons who are members of the Alabama state bar, and (b) two persons who are not members of the Alabama state bar, and (c) one judge of the circuit court of Mobile County.

All members of such commission must reside in the territorial jurisdiction of the circuit court of Mobile County.

The two members of such commission who are required to be members of the Alabama state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court of Mobile County. The executive committee of the Mobile County bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of such commission as are required to be members of the Alabama state bar. Such executive committee shall certify in writing to the probate judge of Mobile County the names of the persons elected as members of such commission by such members of such bar.

The senators and representatives in the Alabama legislature from Mobile County shall elect the two members of such commission who are required not to be members of the Alabama state bar. Such senators and representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court of Mobile County shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the senators and representatives in the Alabama legislature from Mobile County shall be for three and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1982. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Mobile County shall record all such certificates of election and shall safely and permanently keep the original

certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the governor for appointment as judge of such circuit court or district court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1982, a vacancy occurs in the office of judge of the circuit court or in the office of judge of the district court of Mobile County, such commission shall nominate to the governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. Any vacancy occurring in the office of judge of the circuit or district court of Mobile County, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the chief justice of the supreme court of Alabama. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

This amendment shall be self-executing.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each

county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted for four weeks next preceding said election at each courthouse in said county.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 29, 1981

Passed the House May 6, 1981

Act No. 81-437

H. 1083—Rep. Greer

AN ACT

To propose an amendment to the Alabama Constitution of 1901, to allow the county commission of Lauderdale County to combine the offices of tax assessor and tax collector of such county effective September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may by local act authorize the county commission of Lauderdale County, by resolution of such commission passed not later than April 1, 1984, to combine the offices of tax assessor and tax collector in said county effective September 30, 1984.

If this amendment is passed by a majority of the qualified electors of the state and of said county who vote thereon when it is submitted, then any law theretofore passed which combines the offices of tax assessor and tax collector in said county shall become effective. If this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next

preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House May 5, 1981

Passed the Senate May 7, 1981

Act No. 81-438

H.J.R. 287—Rep. Letson

HOUSE JOINT RESOLUTION

CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

WHEREAS, Governor Fob James, as receiver of the prison system and the Board of Corrections continue under federal court order mandating certain changes and improvements in the prison system and particularly with respect to overcrowding and related problems; and

WHEREAS, work-release programs designed to rehabilitate prisoners and making them productive are desirable when properly implemented and with selective candidates to insure the safety of our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee which shall be composed of 8 members, 4 of which shall be appointed by each the President of the Senate and the Speaker of the House, the chairman to be selected by and from among the membership, shall be formed to examine all aspects of the operations of the Board of Corrections and any other departments or agencies involved in prison work-release programs. The committee shall be known as the Joint Interim Study Committee on Prison Work-Release Programs. The committee shall have subpoena powers and powers to punish for contempt. It shall make diligent inquiry and a full examination of Alabama's present and long term needs with respect to work-release and shall file reports of their findings and recommendations to the Alabama Legislature not later than the 10th legislative day of the 1982 regular session, on which date the interim committee hereby established shall automatically be dissolved.

Upon request of the Chairman, the Secretary of the Senate and

the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, the total of such sums shall not exceed \$7,000.00.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-439

H. 218—Reps. Lewis, Amari, Bennett,
Payne, Bedsole, Howard,
Harper (O), Seibels

AN ACT

To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-11-1, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 22-11-1. Enumerated.

The State Board of Health shall designate the diseases and disabilities which are notifiable. The diseases so designated by the Board of Health are declared to be notifiable diseases of epidemic potential and a threat to the health and welfare of the public, and the occurrence of cases shall be reported as provided in this chapter. This Act shall in no way affect any provision in Title 22, Chapter 16, nor shall the State Board of Health include any disease listed in Chapter 16 as a designated disease in this chapter. The State Board of Health shall divide the notifiable diseases into groups as follows:

(1) GROUP A. EMERGENCY REPORTING. Diseases desig-

nated as Group A shall be reported to the County Health Officer and the State Health Officer within twelve (12) hours of diagnosis, by telephone, telegraph, or in person. Said report shall, at a minimum, include the name of the disease or disability which is diagnosed, the name and address of the person having said disease, the current location of said person, and the date of onset or date of diagnosis of said disease or disability.

(2) **GROUP B. DISEASES NOTIFIABLE WITHIN SEVEN (7) DAYS.** Diseases and disabilities declared to belong to Group B shall require notification in writing, on forms to be provided by the State Board of Health, of the occurrence of the case of said disease to the County Health Officer, the State Health Officer, or their designee, within seven (7) days of such diagnosis.

(3) **GROUP C. DISEASES REPORTED BY NUMBER ONLY.** Diseases designated as Group C shall be reported on forms provided by the State Board of Health to the County Health Officer, the State Health Officer, or their designee, on a weekly basis. Said report to contain as a minimum the number of cases of said disease or disability seen by the reporting health care provider within the seven (7) day period prior to the report."

Section 2. Section 22-11-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-2. Report by physicians required; form of report.

Each physician practicing in the state of Alabama who treats or examines any person having, or suspected of having, any notifiable disease shall report such cases of notifiable disease in the manner designated in Section 1 of this chapter. Said written report shall be upon such forms, and shall contain such matter, as may be provided for from time to time by the rules and regulations of the state board of health. All medical and statistical information and reports required by this title shall be confidential and shall not be subject to public inspection, subpoena, or admission into evidence in any court except upon express order of the court or upon written consent of one having a direct and tangible interest therein. No provision of this section shall be interpreted to prevent the publication of statistical reports or other summaries provided that said reports or summaries do not identify individual persons."

Section 3. Section 22-11-3, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-3. Quarantine or isolation of afflicted persons by state or county health officer.

Whenever the state health officer or his representative, or the

county health officer or his representative, is notified of any person or persons afflicted with any of the diseases designated in section 22-11-1, or having been in contact with a person or persons afflicted with any one of the diseases designated in section 22-11-1, he shall, at his discretion, isolate or quarantine such person or persons. Such quarantine shall be established and maintained in accordance with the rules and regulations adopted by the state board of health for the control of the disease with which the person or persons are afflicted."

Section 4. Section 22-11-4, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-4. Investigation of suspicious cases.

Whenever a disease is suspected by any physician, or midwife or by any person as being one of those designated in section 22-11-1, such physician, or midwife or such person shall report his or her suspicion to the health officer having jurisdiction over the locality where such case appears, whereupon such health officer, or his designee, shall thoroughly investigate and decide upon the character of the disease. Should he entertain doubt as to the nature of the disease, he shall call to his aid such members of the county board of health as may be available. Should doubt or difference of opinion as to the nature of the disease still exist, the state health officer shall be summoned, to which summons the State Health Officer, or his designee, shall respond as promptly as circumstances will permit. Any physician, hospital, laboratory, or other provider of medical services having rendered treatment, care, diagnostic or laboratory services to any person suspected of having said disease shall make his records on that individual readily available to the Health Officer, or his designee, for purposes of such investigation."

Section 5. Section 22-11-5, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-5. Blanks for reports.

The written reports of cases of notifiable disease required of physicians by this chapter shall be made upon blanks supplied for that purpose, through the county health officer or quarantine officer, by the state board of health. Physicians must secure blanks from the county health officer or quarantine officer. The physician making said report shall provide all information requested on said form to the extent made possible by the physician's knowledge of the case."

Section 6. Section 22-11-6, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-6. Forwarding of reports to state board of health by county officers.

County health or quarantine officers shall, within two hours of the receipt of a report of a disease designated as reportable in Group A, as defined in Section 1 of this chapter, forward said report to the State Health Officer, or his designee, in the most expeditious manner possible, whether by telephone, telegraph, or special messenger. County health or quarantine officers shall, within seven days after the receipt by them of a report of a case of notifiable disease in Group B or Group C, as defined in Section 1 of this chapter, forward, by mail, to the state board of health the original written report made by the physician, after first having transcribed the information given therein on a book or other form of record for the permanent files of the county health officer. On each report thus forwarded, the county health officer shall state whether the case to which the report pertains was visited or otherwise investigated by himself or his representative and whether measures were taken to prevent the spread of the disease or the occurrence of additional cases."

Section 7. Section 22-11-7, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-7. Reports by superintendents, etc., of institutions.

The superintendent or person in charge of any hospital, asylum or other institution which provides care for the sick, may report, in the place of the attending physician or physicians, the cases of notifiable diseases and disabilities occurring in or admitted to said hospitals, asylums or other institution, and in the same manner as the report would otherwise have been made by the attending physician."

Section 8. Section 22-11-8, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-8. Reports by persons other than physicians in charge of patients.

Whenever a person is known, or is suspected, to be afflicted with a notifiable disease or whenever the eyes of an infant under two weeks of age become reddened, inflamed or swollen or contain an unnatural discharge and no physician is in attendance, an immediate report of the existence of the case shall be made to the county health officer or the state health officer by the midwife, nurse, attendant or other person in charge of the patient."

Section 9. Section 22-11-12, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-12. Failure to report notifiable disease — By head of household or owner of premises.

Any head of a family or other person upon whose premises a case of a notifiable disease occurs, which is not under the care of a physician, who refuses or willfully fails to report the same, as promptly as can be done, to the health officer, in whose jurisdiction the case is, must, on conviction, be fined not less than \$25.00 nor more than \$100.00."

Section 10. Section 22-11-13, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-13. Failure to report notifiable disease — By Physicians.

Any physician, being called upon to treat a case of a notifiable disease or to whose knowledge the existence of a case comes, who refuses or willfully fails to make to the health officer, in whose jurisdiction the case is located, a full and prompt report thereof, specifying the character of the disease and the name and locality of the patient, together with such other details as may be required by the state board of health, must, on conviction, be fined not less than \$10.00 nor more than \$100.00."

Section 11. Section 22-11-14, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-14. Duty of afflicted persons.

Any person reported as having any of the diseases designated in this chapter shall conform to or obey the instructions or directions given or communicated to him by the county board of health, County Health Officer, or his designee, or state board of health, State Health Officer, or his designee, to prevent the spread or communication of the diseases.

Section 12. Section 22-11-15, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-15. Removal of afflicted persons not in own homes.

Whenever complaint shall be made in writing to the health officer of a county that a person, not at his own home, is afflicted with any of the diseases designated under section 22-11-1, such health officer shall, thoroughly and promptly, investigate said complaint. If, upon investigation, said health officer is of the opinion that said complaint is well founded, he may, if his opinion be concurred in by at least one member of the county board of health, cause such person to be removed to such place as may have been provided for such cases in the county, city or town in which such person is found or, if there is no such place provided for such cases, then, to such place as said

health officer may deem suitable, subject to the approval of the authorities of the county, city or town, as the case may be. The removal of said person shall be at the expense of said person, or, in case the person removed is a minor, then, at the expense of his parents or guardian or, if the person be indigent, then, at the expense of the town, city or county, as the case may be."

Section 13. Section 22-11-16, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-11-16. Disinfection of infected houses, grounds, appurtenances, or parts thereof.

Whenever a house, grounds, appurtenance, or part thereof, is believed or known to have become infected by any of the diseases designated under section 22-11-1, the health officer of the county may enter said property, or part thereof, or may authorize other persons to do so, one or both, for the purpose of disinfecting it. The disinfection shall be conducted with as little inconvenience to the owner or occupant and with as little damage to the house and to the furniture therein as is compatible with thoroughness of disinfection. The cost of said disinfection shall be borne by the owner of said property."

Section 14. Section 22-12-3, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-12-3. Exercise of rights and duties by public health committees and officers.

Whenever in this chapter rights are granted to, or duties imposed upon, the state board of health or a county board of health, such rights and such duties may be exercised or executed by the committees of public health or health officers, respectively, of said boards as their legal and accredited agents."

Section 15. Section 22-12-4, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-12-4. Proclamation of quarantine by governor.

The governor, whenever he deems it necessary, or by the state board of health, shall proclaim quarantine, and when proclaimed, said board of health shall enforce such quarantine under such regulations as may, from time to time, be prescribed."

Section 16. Section 22-20-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 22-20-2. Prevention of infantile blindness.

Any physician, midwife, nurse or other person in attendance on

a confinement case shall, within two hours after the birth of the child, use one of the following prophylactic solutions for the prevention of infantile blindness or ophthalmia neonatorum, two drops of the solution to be dropped in each eye after the eyelids have been opened:

- (1) A one percent fresh solution of nitrate of silver, or
- (2) Such other solution as may be prescribed by the state board of health."

Section 17. The provision of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this Act are hereby repealed and Section 22-13-12, Code of Alabama, 1975, is hereby expressly repealed.

Section 19. This Act shall become effective sixty (60) days following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-440

H. 596—Rep. Cosby

AN ACT

To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless otherwise provided by local law, vacancies in the governing bodies of all Class Five (5) municipalities which have existed for more than 60 days shall be filled as herein provided:

(a) If the vacated term has less than six months remaining, then the remaining members of the city governing body shall appoint a successor by a majority vote of those members voting. In case of a tie vote, the mayor, if there is one, shall cast the tie-breaking vote. The successor shall serve the remainder of the unexpired term until a successor has been qualified and elected.

(b) If the term has been declared vacant and has six months

or more remaining, the mayor, if there is one, otherwise the senior member of the city governing body, shall call for a special election to fill the vacancy. The successor shall serve the remainder of the unexpired term until a successor has been qualified and elected.

Section 2. Special elections called pursuant to this Act shall be conducted as provided by the general laws of this state regarding municipal elections.

Section 3. The procedures provided in this Act shall be used, unless otherwise provided by local law, for any vacancies existing on or after the effective date of this Act.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All general laws or parts of general laws of this state in conflict herewith are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-441

H. 632—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Marion Military Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may

be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-442

H. 633—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00), from the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located in Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the legislature each year, before any subsequent appropriation requests may be considered by the legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This act shall become effective October 1, 1981.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-443

H. 634—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Talladega College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Three Hundred Thousand Dollars (\$300,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-444

H. 635—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Four Hundred Thousand Dollars (\$400,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-445

H. 677—Rep. Harper (T)

AN ACT

Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in Mobile County.

Section 2. It shall be unlawful for anyone to conduct, pursue or carry on the business of purchasing second-hand gold or silver, whether in the form of jewelry, household articles or furnishings, personal effects, bric-a-brac, settings for gems, watches, flatware, service sets, or other articles of like kind within the county without first paying to the License Commission the license tax hereinafter prescribed, and procuring a license from said officer.

Section 3. The license tax hereby levied against buyers as described in Section 2 herein shall be \$500 per calendar year. There shall be no half-year license.

Section 4. Applicants for license under this Act shall file with the License Commission a sworn application in writing, in duplicate, on a form to be furnished by the License Commission which shall give the following information:

- (1) Name and physical description of the applicant;
- (2) Date of birth and drivers license number of the applicant;
- (3) Full local address of the applicant, and the length of time the applicant has resided within the county;
- (4) If employed, the name and address of the employer, together with credentials establishing the employer-employee relationship;
- (5) A brief description of the nature of the gold or silver buying to be done;
- (6) The length of time for which the right to do gold or silver buying is desired and the location where such buying is to be done;

(7) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing the application, which picture shall be not smaller than two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(8) The fingerprints of the applicant, and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business respectability or, in lieu of the names of such references, such other available evidence as to the good character and business responsibility of the applicant, as will enable an investigator to properly evaluate such character and business responsibility;

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal criminal ordinance, in any state, the nature of the offense and the punishment or penalty assessed therefor; and

(10) The names, local addresses, drivers license numbers, and physical descriptions of all employees of the applicant.

Section 5. At the time of filing the application for the permit required by Section 2, a fee of ten dollars shall be paid to the county to cover the cost of an investigation of the facts stated therein.

Section 6. Upon receipt of an application for the license required by Section 2, the original shall be referred to the chief of police of the city or municipality in which the business is to be located or the sheriff of the county who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory or if he does not otherwise qualify under the provisions of this Act, the chief of police or sheriff shall endorse on such application his disapproval and the reason for the same and return the application to the License Commission who shall notify the applicant that his application is disapproved and that no license will be issued. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, and he otherwise qualifies under this Act, the chief of police or sheriff shall endorse on the application his approval, and return the application to the judge of probate who shall deliver to the applicant his license, in the same manner as to other licenses of the county. In the event the license is disapproved, the applicant may appeal to the judge of probate by filing a written appeal notice with the License Commission within fourteen (14) days of date of disapproval notice.

Section 7. The license required by Section shall contain the signature of the License Commission and shall show the name, address

and photographs of the licensee, the date of issuance and length of time the same shall be operative, as well as the license number. Such license must be displayed at all times whenever the applicant conducts business.

Section 8. The License Commission shall keep a permanent record of all licenses issued under this Act.

Section 9. Each applicant who secures a license under this Act for purchasing gold or silver in any form set out in Section 2 hereof shall keep a book in which shall be entered promptly at the time of purchase a brief description of the articles or property purchased, the date and hour of the purchase and a brief description of the person from whom the purchase is made, together with the address, drivers license number, sex, race, and date of birth of such person. Each entry of such transaction shall be serially numbered on the book at the time of making the entry. Such buyer shall, on every day, before the hour of 10:00 A.M., deliver to the chief of police or the sheriff, upon a form provided by him, a legible transcript of the business done during the business day immediately preceding the filing of the transcript.

Section 10. Each licensee under this Act shall promptly, after the beginning of business, register with the chief of police or sheriff, in a book kept for that purpose, his name, address and every place where he carries on business or stores property.

Section 11. The books and records kept by each licensee of the articles described in Section 2, above, shall be open for inspection by the chief of police or by any officer of the police department or the sheriff or any law enforcement officer at all times and the licensee and his agents and employees shall at all times exhibit the book to such officers on request.

Section 12. Each licensee under this Act purchasing gold or silver in any form set out in Section 2 hereof shall attach to or place on each such article purchased a tag or other identifying mark or label numbered to correspond with the serial number of the book required by Section 9 to be kept; except, where small articles are bought in bulk and are too numerous to conveniently tag or mark, an identifying number shall be placed on the container or wrapper in which the articles are kept or placed.

Section 13. The property of the kind described in Section 2 of this Act shall be held in the same form, shape or condition in which they were purchased, without mutilation, melting, reduction to block or lump form, or destruction of the form thereof, for a period of 86 hours after the hour when the licensee reports the purchase to the chief of police or sheriff, during which time said article or articles shall be open to inspection or examination by the chief of police, or such

officer or officers of the police department or sheriff or other law enforcement officer as may be delegated to make such examination or inspection, unless permission for change in form or sale is obtained in writing from the chief of police or sheriff after the filing of the report required by Section 9.

Section 14. The word "applicant" when used herein shall include the plural where applicable, and all agents, officers, servants or employees of the applicants if the applicant is other than a sole proprietor.

Section 15. The provisions of this Act shall be binding upon every employee or agent of the buyer of the articles described in Section 2 hereof, and it shall be unlawful and an offense against the county for any such licensee or his agents, servants, officers or employees to fail or refuse to carry out the provisions of this Act. Any person who shall violate any provisions of this Act or do business within the county, as defined in this Act, without first obtaining a permit or license as provided herein shall be subject to a fine in an amount not to exceed \$500 or imprisonment, not to exceed six months, or to both such fine and imprisonments in the discretion of the court trying the case.

Section 16. Anyone who has operated a jewelry store or business with a jewelry license for three years prior to the enactment of this Act is hereby exempt from the application of this Act.

Section 17. All revenues payable to the county under the provisions of this Act shall be paid into the county treasury to the credit of the county general fund.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

AN ACT

Relating to Mobile County; to provide further for the compensation of election employees and officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the compensation of the election officers holding general, special, primary and municipal elections shall be fifty dollars (\$50.00) per day for inspectors and thirty-five dollars (\$35.00) per day for the other election officers. The county treasury and, when appropriate, the treasuries of the various municipalities within the county shall pay such amounts necessary, when combined with any amount payable by the state, which will total the amounts hereinabove provided. The amounts herein provided shall constitute the total compensation payable to such officers, in lieu of any other provided by law. The returning officer shall be entitled to mileage allowance according to law in addition to the compensation herein provided.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-447

H. 683—Rep. Zoghby

AN ACT

To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salaries paid to the bailiffs serving in the circuit court of the Thirteenth Judicial Circuit by the State, there shall also be paid to each of the said bailiffs a supplemental salary in the sum of \$150.00 per month payable monthly as a county salary supplement. Said supplemental salary shall be paid out of the

general fund of the county in monthly installments at the same time and in the same manner that the salary of other county employees are paid.

Section 2. The provisions of this act are severable. If any part of the act is declared unconstitutional or otherwise invalid, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-448

H. 690—Rep. Stewart

AN ACT

To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 1 of Act 80/342 of the 1980 Regular Session shall be and the same is hereby amended to read as follows:

“Section 1. An idle speed zone is hereby established for that portion of Halls Mill Creek beginning at a point approximately five hundred (500) feet upstream from the point where Shadow Wood Ct. would intersect with Halls Mill Creek if Shadow Wood Ct. were extended to the west so that they intersected, and such idle speed zone extending downstream to a point one thousand (1,000) feet to the southeast of the point where Rivier de Chein Ct. would intersect with Halls Mill Creek if Rivier de Chein Ct. were extended to the south so that they intersected. The Alabama Marine Police shall supervise, and the County of Mobile shall erect signs indicating the idle speed zone.

Section 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-449

H. 776—Rep. Reed

AN ACT

To make appropriations for the support and maintenance of the Tuskegee Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of One Million Four Hundred Sixty Thousand Dollars (\$1,460,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Tuskegee Institute located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the legislature each year before any subsequent appropriation requests may be considered by the legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-450

H. 825—Rep. Harper (T)

AN ACT

Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section I. DEFINITIONS.

The following words, phrases, or terms as used in this bill, unless the context indicates otherwise, shall have the following meanings:

1. "Abandoned Property" — Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, and other similar articles which have no value other than nominal salvage value, if any; and is in a condition violative of Alabama statutes.

2. "Administrative Department" — The Department charged by the Mobile County Commission with the administrative management of this bill.

3. "Commission" — means Mobile County Commission of Mobile County, Alabama.

4. "Bulky Waste" — Items whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

5. "Bundle" — A package containing rubbish only, weighing not over fifty pounds and not exceeding four (4) feet in its longest dimension, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or scattering.

6. "Certificate of Need" — Written approval by the Commission for the Director to issue a permit to operate in accordance with this bill.

7. "Collection" — Any person, firm, partnership or corporation permitted by the Director or franchised by the Board to engage in the transportation or collection of solid waste. May require Certificate of Need.

8. "Collector" — Any person, firm, partnership, or corporation permitted by the Director or franchised by the Commission to engage in the transportation or collection of solid waste. May require Certificate of Need.

9. "Commercial Solid Waste" — Solid waste generated by stores, offices, and other activities which do not actually manufacture a product.

10. "Construction and Demolition Debris" — Material generally considered to be not water soluble and nonhazardous in nature including, but not limited to steel, glass, brick, concrete, or asphalt roofing material.

11. "Dead Animals" — that have died from any cause without proper burial, except those slaughtered for human consumption.

12. "Director" – The Solid Waste Coordinator, appointed by the Mobile County Commission or its designated agent; is responsible for the administrative management of this bill.

13. "Disposal Facility" – Site where solid waste is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling.

14. "Enforcement Agency" – The agency or agencies of this County, or of the State, charged with the enforcement of those aspects of this bill related to the protection of the public safety, health, welfare and environment, including all law enforcement officers of the county and litter patrol officers hired by the Mobile County Commission and deputized by the Mobile County Sheriff, who will work under the supervision of and be paid by the Mobile County Commission.

15. "Garbage" – Materials resulting from the preparation, cooking and serving of food; market wastes, trimmings and other discarded matter from meat or produce, including containers in which packaged; and such other refuse as may be defined by the Commission.

16. "Hazardous Wastes" – Materials or combinations of materials which require special management techniques because of their acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; or on the health and welfare of the public. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials.

17. "Health Officer" – The Director of the Mobile County Health Department and his authorized agents.

18. "Incinerator" – An engineered apparatus used to burn waste substances and in which all the factors of combustion - temperature, retention time, turbulence, and combustion air - can be controlled.

19. "Incineration" – A controlled process by which solid, liquid or gaseous combustible wastes are burned and changed into gases, and the residue produced contains little or no combustible material.

20. "Industrial Solid Waste" – Solid waste that results from industrial processes and manufacturing.

21. "Infectious Wastes" – Those wastes resulting from the operation of medical clinics, hospitals, abattoirs, and other facilities producing waste which may consist of, but are not limited to, human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

22. "Non-Residential Solid Waste" – Solid waste from agricultural, commercial, industrial, or institutional activities or from parcels

of property occupied by six (6) or more residential units unless exempt by the Mobile County Commission from mechanical pickup requirements.

23. "Persons" — Any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, or any other legal representative, agent or assign.

24. "Pollution" — The condition caused by the presence in the environment of solid waste of such character and in such quantities that the quality of the environment is impaired or rendered offensive to life.

25. "Processing" — Any method, system or other treatment designed to change the physical form or chemical content of solid waste.

26. "Promiscuous Dump" — An unauthorized site where indiscriminate deposits of solid waste are made by known or unknown persons and are exposed to the elements, vectors and scavengers.

27. "Putrescible Wastes" — Materials capable of decomposition, causing environmental nuisances and/or obnoxious odors.

28. "Recovered Resources" — Solid waste materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

29. "Recovery" — The process of obtaining usable materials or energy from solid waste.

30. "Recycling" — The process by which recovered resources from solid waste are transformed into new products in such a manner that the original products lose their identity.

31. "Rendering" — A process of recovering fatty substances from animal parts by heat treatment, extraction, and distillation.

32. "Residential Solid Waste" — All solid waste that normally originates in a residential environment. This definition is applicable to the solid waste generated upon a parcel of property occupied by fewer than six (6) residential units and to parcels exempted from mechanical pickup requirements.

33. "Residential Unit" — Any unit used to house persons, or capable of such use. Includes single family dwellings; each unit in a duplex, condominium dwelling, or apartment house; and each mobile home in a mobile home parcel except mobile home parcels in rental or camp parks licensed by the Health Department.

34. "Reprocessing" — The action of changing the condition of a secondary material.

35. "Rubbish" — Solid waste or refuse, excluding garbage and bulky items; consists of both combustible and noncombustible trash, such as paper, cardboard, tin cans, plastics, yard clippings, wood, glass, and similar materials.

36. "Salvage" — The extracting of materials from solid waste which is of value or useful.

37. "Salvaging" — The controlled removal of valuable or useful material from solid waste for utilization.

38. "Sanitary Landfill" — A site where solid waste is disposed using sanitary landfilling techniques.

39. "Sanitary Landfilling" — An engineered method of disposing of solid waste on land in a manner that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with soil by the end of each working day in compliance with applicable State Law.

40. "Sanitary Nuisance" — The commission of any act by a person, or the keeping, maintaining, propagation, existence or permission of anything by a person by which the health or lives of individuals may be threatened or impaired or by which disease may be caused.

41. "Scavenging" — The uncontrolled removal of materials at any point in solid waste management.

42. "Separation" — The systematic division of solid waste into designated components.

43. "Solid Waste" — Garbage, rubbish, refuse, or other discarded solid or semi-solid materials resulting from domestic, commercial, industrial, agricultural activities and governmental operations excluding solids or dissolved material in domestic sewage, but not materials held for reuse or resale.

44. "Solid Waste Management" — Includes all or any aspects of handling solid waste: including collection, transportation, storage, separation and disposal.

45. "Special Wastes" — Those wastes that require extraordinary management. They include, but are not limited to bulky wastes, abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial wastes.

46. "Storage" — The interim containment of solid waste, in an approved manner, after generation and prior to ultimate disposal.

47. "Transfer Station" — A facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to solid waste processing or disposal facility.

48. "Transport" — The movement of solid waste subsequent to collection.

49. "Unauthorized Accumulation" — Any accumulation of trash, garbage, or putrescible waste for more than seven (7) days on any residential or commercial properties, excluding noncommercial composting, and commercial composting for which a valid permit has been obtained. This shall not include building materials used in constructing or repairing a building or other structure and stored at the site of such building or structure.

50. "Waste Oil" — All types of waste oils, including waste automotive lubricants, industrial waste oils, and others that may be potential pollution sources.

51. "White Goods" — Inoperative and discarded refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances.

52. "Yard Trash" — Vegetative matter resulting from landscaping maintenance such as trees and shrub trimmings, grass clippings and palm fronds.

SECTION II. POWERS AND DUTIES OF THE ADMINISTRATIVE DEPARTMENT

1. **DIRECTOR:** The Director, or his duly appointed designee shall be responsible for the administrative management of this ordinance.

2. **SOLID WASTE MANAGEMENT SYSTEM:** The Director shall provide for a solid waste management system consistent with this ordinance, consisting of storage, collection, transport, processing, separation, recovery, and disposal.

3. **COMMISSION APPROVAL:** The solid waste management system must be submitted to the Mobile County Commission of Mobile County, Alabama, for review and approval or rejection.

SECTION III. SOLID WASTE MANAGEMENT ADVISORY BOARD.

1. **APPOINTMENT:** There is hereby created a Solid Waste Management Advisory Board consisting of nine (9) members: one shall be a member of the County Commission of Mobile County,

Alabama, one shall be the Solid Waste Coordinator, one shall be appointed by the Senators of the Mobile County Legislative Delegation, one shall be appointed by the Representatives of the Mobile County Legislative Delegation, one at large shall be appointed by all other appointees, one shall be appointed by the Sheriff of Mobile County, one shall be appointed by the County Commissioner of District 1, one shall be appointed by the County Commissioner of District 2, and one shall be appointed by the County Commissioner of District 3.

2. **TERMS:** The Solid Waste Management Advisory Board members shall serve for a term of four (4) years; provided, however, in the initial term the member from the County Commission shall serve for four (4) years; the Director or his duly appointed designee shall be a permanent member of the Advisory Board, and the remaining members appointed shall serve for a period of two (2) years.

3. **APPOINTED MEMBERS:** Appointed members of the Advisory Board shall serve at the pleasure of the Board and may be removed by a majority vote of the Board.

4. **ORGANIZATION—MEETINGS:** The Advisory Board shall, within thirty (30) days after its full appointment, hold a meeting at which it shall elect its officers and adopt bylaws governing the conduct of its business. The Board shall meet not less than one (1) time in each quarter year. The Chairperson, the Mobile County Commission, or a quorum of the Advisory Board may call an emergency meeting at any time.

5. **DUTIES:** The Advisory Board:

A. May review permit application forms and recommend revisions thereof, which shall be consistent with the terms of this bill.

B. May make recommendations for the revision of this bill.

C. Shall make recommendations to the Mobile County Commission for establishing or altering rates, charges, or fees required by the bill. It may make such recommendations to the Director as are authorized by its bylaws.

D. May attend any hearings held by the Director regarding complaints arising from the administration of this bill. The Advisory Board may make recommendations to the Director which, in its opinion, would alleviate the cause of such complaints. In all such hearings, the Advisory Board shall participate through the Director only and all recommendations shall be in writing.

SECTION IV. SOLID WASTE MANAGEMENT.

All solid waste generated or otherwise found within the County

shall be managed by persons holding valid permits for such activity, granted in accordance with this bill, and no household business, industry or any property owner may store, haul and dispose of his own solid wastes on his own land or otherwise, without a Solid Waste Management Permit.

1. **INFECTIOUS OR HAZARDOUS WASTES:** All producers of infectious or hazardous wastes shall obtain a permit in accordance with Section VI herein specifying the exact means and methods of managing such solid wastes.

2. **ALTERNATE PERMITTING PROCEDURE FOR DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS:** A person desiring to dispose of construction and demolition debris resulting from his regular business operation on property he has the right to use for the purpose of disposing of such debris is not required to obtain a certificate of need or regular permit in order to engage in such activity, but shall be required to obtain a special permit from the Health Officer for such purpose in the manner set forth in Section VI(12), if he does not desire to follow regular permitting procedures.

SECTION V. CERTIFICATES OF NEED: Certificates of need as required by Section IV may be obtained for the management of solid waste in the following manner:

1. **INFORMATION REQUIRED:** An applicant for a certificate of need for a solid waste management activity or facility shall petition the Mobile County Commission to determine the need of such requested service by the applicant. The applicant shall provide the Commission with the following information as applicable:

A. A statement of purpose and need for the activity, service or facility.

B. A statement of funding sources.

C. A statement of financial resources of the applicant.

D. A statement of the cost of operation.

E. A statement of existing facilities or services available.

F. Any other information requested by the Commission.

G. Information described in paragraphs B, C, and D above shall not be required from persons desiring Certificates of Need to provide "non-residential solid waste" (as defined herein) management activities, services or facilities.

2. **CERTIFICATE OF NEED APPROVAL:** Upon the Commission determining and finding that the service, activity or

facility for which the certificate of need is requested answers a public need; is necessary for the welfare of the citizens and residents of Mobile County; and will not impair or infringe any obligations established by contract, resolution, or ordinance; the Commission may issue Certificate of Need for such service, activity, or facility; provided, however, that the Commission shall not issue Certificate of Need to any person whose activities will result in a materially adverse effect on the net revenues of County's Solid Waste Disposal System, as determined by the Commission. Consistent with such findings, the certificates shall be issued for collection/transportation and for disposal or recovery activities. Issuance of a Certificate of Need shall not relieve the holder from meeting permitting requirements of this bill, and all County, State, and Federal laws and regulations. Certificates for collection/transportation of non-residential solid waste shall be valid on a County-wide basis. No Certificate of Need for collection-/transportation or disposal of non-residential solid waste shall be denied solely because the number of such certificate in effect at the time of said application; provided, however, that the number of permitted and/or certificated disposal facilities shall be considered in determining whether operation of such facility would be in the best interests of the public; and provided that the Commission shall not issue Certificate of Need to any person whose activities will result in a materially adverse effect on the net revenues of the County's Solid Waste System, as mentioned above.

SECTION VI. SOLID WASTE MANAGEMENT PERMITS.

Permits required under Section IV shall be issued in the following manner:

1. **APPLICATIONS:** Any person desiring to obtain a permit shall file application for a permit with the Director on application forms provided by the Director and shall accompany such application with:

A. Name and address of the applicant, showing its legal identity (individual, partnership, corporation, etc.).

B. The business address of the applicant.

C. An inventory of all motorized equipment or other equipment to be used in such collection, transportation, or disposal.

D. The methods of storage, transport, and processing to be used.

E. The location and type of processing and/or disposal contemplated.

F. The types and amounts of wastes to be covered by permit, including description of project or process generating wastes.

G. The route or routes to be used in transporting and schedules used.

H. Issuance of County permits shall not relieve applicants from obtaining any required state or federal permits.

I. Proof of all insurance and bonding required by this bill (state financial responsibility limits for motor vehicles, etc.), or as established by resolution of the Commission from time to time.

J. Proof that applicant has acquired any required certificates of need.

K. Statement of desired duration of permit, if less than one year.

L. Application fee established by resolution of the Commission.

M. All other information reasonably required by the Director to fulfill the intent of this bill.

2. **INSPECTIONS:** Upon receipt of a completed application, the Director shall within five (5) days refer same to the Health Officer for investigation. The Health Officer shall inspect all facilities and equipment to be used in the applicant's activity and shall report his findings to the Director within six (6) days of receipt, and the Director shall take appropriate action within ten (10) days thereafter.

3. **ISSUANCE:** Upon determining that the activity, service or facility for which the permit is sought will comply with the terms of this bill and with all County regulations and ordinances; that no certificate of need is required; and that the applicant's service, activity, or facility will be in the best interest of the public, the Director shall grant a permit allowing the pursuit of such activity upon the terms and conditions as the Director may deem to be in the public interest.

4. **MODIFICATIONS:** If the Director determines that a permit should not be issued based upon the above criteria, but if in the Director's opinion, modification can be made which will bring the application within the intent and purposes of this bill, he shall notify the applicant or applicants, in writing, setting forth the correction to be made and the time in which such correction shall be completed.

5. **DENIAL:** If the applicant fails to make the corrections pursuant to the notice mentioned above within the time limit specified therein, or, if the Director previously determined that a permit should not be issued based on the above criteria, the application shall be denied and the applicant notified, in writing, stating therein the reasons for the denial. Nothing in this section shall prevent any applicant from reapplying after the rejection of his application, provided

the requirements of this bill are met. Appeals of such denials may be made in the manner provided for appeals or revocation of permits in paragraph 10, following.

6. **DURATION:** When issued such permit shall be effective for the period of time necessary to accomplish the desired service, activity, or facility operation, up to a period of one (1) year from the granting thereof, or in the case of a franchised holder, for the duration of the franchise, unless the permit is sooner revoked pursuant to the provisions of this bill.

7. **PERMIT RENEWAL:** Any permit holder desiring to renew an existing permit shall complete and submit to the Director an application therefore not more than forty-five (45) days nor less than fifteen (15) days before the expiration date thereof and shall tender with each application form such permit fees as are required by resolution of the Mobile County Commission.

8. **PERMIT NUMBER, DISPLAY:** All motor vehicles operating under any permit required by this bill shall display the permit number or numbers on each side, in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than six (6) inches high.

9. **EVALUATION OF PERFORMANCE:** The performance under this bill of all those holding permits shall be evaluated by the Director from time to time. If at any time during the life of the permit, performance satisfactory to the Director shall not have been made, the permittee upon notification by the Director, shall take all necessary steps including, but not limited to, increasing the work force, vehicles and equipment as needed to properly perform his duties. The failure of the Director to give such notification shall not relieve the permittee of his obligation to perform the work at the time and in the manner specified in his permit.

10. **REVOCATION; APPEALS:** If, after notice of unsatisfactory performance has been given, the permittee has failed to make necessary corrections within a reasonable time, the Director may revoke the permit. Appeal from any decision of the Director revoking such permit may be taken to the Mobile County Commission by the aggrieved party by filing a petition with the Commission within ten (10) days after the mailing of notice of such appeal. Upon receipt of such petition, the Mobile County Commission shall set a time and place for a hearing upon the petition. The appeal shall proceed in accordance with due process of law. Revocations shall not be final until such appeals are heard.

11. **LIST-PERMIT HOLDERS:** The Director shall maintain a complete listing of all persons holding permits to provide solid waste

management services within Mobile County. The listing shall contain the name and address of each person, its office telephone number, the number and types of vehicles used by such persons, the nature and extent of the services, activities or facilities permitted, and the expiration date of the permit.

12. ALTERNATE PERMITTING PROCEDURE FOR DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS:

Any person desiring to dispose of construction and demolition debris resulting from his regular business operation on property approved for the disposal of such materials and for which he has the right to use for the purpose of disposing of such debris shall not be required to obtain a certificate of need or regular permit in order to use said property for such purposes but shall be required to obtain an annual special permit from the Health Officer for such purpose in the manner and under such conditions as specified by the Health Officer. Notwithstanding anything herein to the contrary, under no circumstances will any solid waste other than construction and demolition debris resulting from the permit holder's regular business operation be placed or disposed of in a disposal facility permitted under this section. Failure to observe this condition may result in immediate revocation of the permit.

13. PERMIT ISSUER'S OBLIGATIONS: No permit shall be granted pursuant to this Section if the granting of said permit will result in a materially adverse effect on the net revenues of the County's Solid Waste Disposal System, as determined by the Issuer, provided, however, that this paragraph shall not apply to disposal of construction and demolition debris permitted under paragraph 12 of this Section.

SECTION VII. COLLECTION OF SOLID WASTE.

1. RESIDENTIAL SERVICE: Only County franchised collectors possessing valid permits shall engage in the business of providing solid waste management services to residential property within the County. Fees for such service will be established by resolution or ordinance of the Mobile County Commission, consistent with the provisions of franchise agreements. Franchised collectors shall provide service in the following manner:

A. FREQUENCY: All residential wastes, except for rubbish, shall be collected and removed at least twice per week. Rubbish shall be collected and removed at least once per week. Pickups shall not be reduced by holidays, but pickups normally scheduled to be made on a holiday may be rescheduled upon approval by the Commission. At least five (5) days prior notification to the affected residential premises by publication of display ad one time in a newspaper of daily circulation in the County shall be provided.

B. QUANTITY - RESIDENTIAL: The Collector shall be required to pick up all garbage and rubbish not in excess of three (3) 30-gallon receptacles generated by a residential premises, provided same is placed in a proper place. The Collector shall also be required to pick up rubbish from the curbside in an amount not exceeding one (1) cubic yard per week. This section may be modified or deleted by the Commission by contract with individual collectors.

C. WASTE COLLECTION - RESIDENTIAL: The Collector shall make collection with a minimum of noise and disturbance to the householder. Waste receptacles shall be handled carefully by the Collector and shall be thoroughly emptied and left where they were found, standing upright and with covers placed adjacent to the waste receptacle at the curbside. Waste may be transferred from the householders' containers into tubs, cans, hampers, or other containers used by the Collector in carrying waste to collection trucks. This work shall be done in a sanitary manner. Any waste spilled by the Collector shall be picked up immediately by the Collector's employees.

D. LOCATION OF RESIDENTIAL WASTE FOR COLLECTION: All persons receiving residential service pursuant to this bill shall place waste receptacle disposal containers and other items at the curbside, secured from disturbance by animals, unless the Collector has agreed to provide a special service collection at another location.

E. SPECIAL SERVICES: Special services such as backdoor collection, below ground collection, removal of any refuse other than residential waste as defined herein, or additional pickups not provided for in this bill shall be subject to negotiations between the Collector and the owner or occupant of the premises. Requests for pickup of bulky waste such as building materials, furniture, trees, sod, lumber and other items not defined in this bill as "Garbage" or "Rubbish" shall be considered as requests for special pickup services. Such special services shall not be covered by the fees and charges set out by ordinance or resolution, but shall be agreed upon by the parties requesting such service and the Collector. Charges for special services shall not be unreasonable or excessive.

F. CUSTOMER RESTRICTIONS:

1. Collector shall not be required to collect residential waste receptacles containing garbage or refuse not generated from the customer served and shall not be required to collect non-residential waste.

2. Collector shall have the right to terminate service to any customer violating any provision of this bill.

G. REMOVAL OF IMPROPER RECEPTACLES: Any container used for the collection or storage of residential waste which fails to meet the standards prescribed by this bill shall be clearly marked by the Enforcement Agency, specifying the manner in which the container fails to meet these requirements. Any container which fails to meet these requirements and is so marked shall be removed from service by the party furnishing it. Upon failure of the party furnishing the container to remove it from service after marking by the Enforcement Agency, the Collector shall remove the container from service and destroy it.

2. NON-RESIDENTIAL SOLID WASTE: Arrangements for the management of non-residential solid waste shall be made by the owner of tenant of the non-residential property; or by the producer of the non-residential solid waste.-

A. FREQUENCY: All non-residential solid waste shall be collected at sufficient intervals to protect the environment; however, garbage produced on a non-residential property shall be collected at least twice a week.

B. SCHEDULING: Such collections shall be scheduled so that collection vehicles do not interfere with rush-hour traffic.

C. ABANDONED PROPERTY: Abandoned property shall be removed and disposed of in accordance with the Alabama Code.

D. DEAD ANIMALS: The Mobile County Commission shall provide the necessary equipment and personnel to remove dead canine, feline, and other small animals on public property or private property, for a fee, and shall schedule such collections to provide pickup with a minimum of delay. The removal of other dead animals on public property shall be the responsibility of the Department of Public Services; these animals shall be disposed of promptly to prevent them from becoming a sanitary nuisance. The above shall not apply to dead animals or parts thereof from any commercial or agricultural activity within this locality. But, in any event, if an animal is unknown or suspected to have died of a communicable disease, the handling and disposal of the carcass shall be in accordance with the Alabama Code.

SECTION VIII. STORAGE AND CONTAINERS OF SOLID WASTE PRIOR TO COLLECTION.

1. SOLID WASTE: The property owner or occupant shall store solid waste on his premises or property or shall require it to be stored or handled in such a manner as to prevent the propagation, or harborage of rats or arthropod vectors or the creation of a sanitary nuisance.

2. **GARBAGE AND PUTRESCIBLE WASTE:** All garbage and putrescible matter or mixed garbage and rubbish shall be stored in containers which are non-absorbent, water-tight, vector resistant, durable, easily cleaned and designed for safe handling; or in paper or plastic bags having sufficient strength and water tightness and which are designed for proper containment.

3. **CONTAINER SIZE:** All solid waste containers shall be of adequate size and sufficient numbers to contain without overflowing all the refuse, except yard trash or bulky waste, a residence or other establishment generates within the designated period of time between collections. All containers shall be maintained in a sound, clean condition free from putrescible residue.

4. **CONTAINER CONSTRUCTION:** Containers shall be free of all sharp edges and any inside structure which would prevent the free discharge of the contents.

5. **EXTERNAL BINS:** External stationary storage bins for putrescible solid waste shall be prohibited from being built or added on to existing or new buildings. New installations of underground receptacles shall be prohibited. Existing receptacles may continue in use until they become impractical to repair.

6. **MECHANICAL CONTAINERS:** Mechanically serviced containers (bulk containers) shall be designed or equipped so as to prevent spillage or leakage during on-site storage and/or transport. The container shall be easily cleanable and located on firm, level ground or a concrete pad, and shall be easily accessible by the collection vehicle.

7. **HAZARDOUS OR INFECTIOUS WASTES:** Hazardous or infectious wastes whose uncontrolled release into the environment would cause acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota, and on the health and welfare of the public shall be stored or transported only in special containers where due regard has been given to the hazardous nature of the waste, protective enclosures, and operating procedures, and where adequate measures are taken to assure personal safety, accident prevention, and detection of potential environmental damages.

SECTION IX. TRANSPORTATION REQUIREMENTS.

1. **EQUIPMENT:** All equipment used in collection and transportation of solid waste shall be constructed, operated and maintained in such a manner as to minimize health safety hazards to solid waste collector personnel and the public. All vehicles shall be maintained in good mechanical condition, shall be enclosed or adequate provisions shall be made for suitable cover to prevent contents from escaping

in accordance with the Alabama Code; and shall be kept clean so as to prevent propagation and attraction of vectors and the creation of sanitary nuisances.

2. GARBAGE AND PUTRESCIBLE WASTES: Garbage and putrescible waste shall be transported in enclosed vehicles which meet the standards established by the American National Standard Institute (ANSI, Section 245.1) safety standards for refuse collection equipment (or metal containers which are water-tight, impervious and suitable to protect the contents from flies, insects and rodents).

3. HAZARDOUS WASTE: When transporting hazardous waste, the generator or owner of the hazardous waste shall package, identify, and label such materials in accordance with the Code of Federal Regulations, Title 49, Transportation, Parts 100-199, dated October 1, 1974, which are hereby incorporated and made a part of this bill.

SECTION X. DISPOSAL OF WASTE.

1. SOLID WASTE: All solid waste in Mobile County shall be disposed of in accordance with the Alabama Code and this bill. No solid waste shall be disposed of except in approved disposal facilities operated by the County or by persons possessing valid permits and certificates of need issued according to this bill. However, solid waste material may be used for construction site fill with the approval of the Mobile County Building Inspector. Said approval shall be in writing.

2. HAZARDOUS OR INFECTIOUS WASTES: Any producer of hazardous or infectious waste must possess a permit for handling or managing solid waste issued in accordance with section VI. This permit will specify all management techniques to be used in connection with such solid waste. Under no circumstances will untreated hazardous or infectious wastes be disposed of at disposal facilities not specifically permitted to dispose of such wastes.

3. BUILDERS AND TREE SURGEONS: Builders, building contractors, and privately employed tree trimmers and tree surgeons shall remove or cause to be removed all trash and debris from the premises upon which they are working, including limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, building debris, and all materials used by contractors in the course of building and/or alterations, in accordance with this bill for removal and/or disposal as specified herein.

Section 11. TITLE TO SOLID WASTE.

In the absence of an agreement to the contrary specified in a permit or contract with the County, title to all solid waste generated

or otherwise found within Mobile County shall vest in the County when it is finally disposed of according to the provisions of this bill and the provisions of the individual permit or contract.

SECTION XII. OWNER'S RESPONSIBILITY.

The fact that any improved real property located within the County is designed for occupation or use, is occupied or used, or is capable of being occupied or used, shall be in prima facie evidence that solid waste is being produced or accumulated upon such property. The owner of such property shall be responsible for insuring that any solid waste generated upon such property is being managed in accordance with the terms and provisions of this bill, and may be required by the Director to show to the satisfaction of the Director that such management is being done.

SECTION XIII. GENERATOR'S RESPONSIBILITY.

Any person who generates solid waste within the County shall also be responsible for insuring that such solid waste is managed in accordance with the terms and provisions of this bill, and may be required by the Director to show to the satisfaction of the Director that such management is being done. If an object of solid waste is discovered upon any property except property designated for use as a solid waste management facility pursuant to Section V herein in violation of this bill, and if that object bears a person's name or photographic likeness; it shall be prima facie evidence that the person whose name or likeness appears on the object threw, dumped, deposited, or caused it to be thrown, dumped, or deposited there in violation of the provisions of this bill.

SECTION XIV. PERMITTEE'S RESPONSIBILITY.

All persons possessing permits issued in accordance with this bill shall defend, indemnify and hold harmless Mobile County from any and all liability from damages of whatsoever kind or nature arising from or in any manner connected with any of its activities under this bill. The permittee shall carry Workmen's Compensation insurance on his employees and show proof of insurance and payment of premiums thereon to the Director, as requested. All such policies shall provide for notice by the insurer to the Director at least sixty (60) days prior to any termination, revocation, or modification thereof.

SECTION XV. CERTAIN ACTS AND PRACTICES PROHIBITED.

1. **DISPOSAL:** It shall be unlawful to dispose of solid waste except by sanitary landfill, incineration, recycling process, or other method approved by the Director, consistent with applicable State

law, operated by County or permitted and possessing certificates of need as required herein.

2. **UNAUTHORIZED ACCUMULATION:** It shall be unlawful to allow an unauthorized accumulation of rubbish, yard trash, garbage and putrescible waste on any residential or commercial premises not engaged in salvaging operation.

3. **CONTAINERS:** It shall be unlawful for any person other than the owner or Collector, or his agent, or employees to collect refuse or to interfere in any manner with any such receptacles from the place where the same are placed by the owner or person lawfully in control thereof, or to remove the contents of such receptacles.

4. **PUBLIC PLACES:** No person shall place any refuse in any street, alley, or other public place, or upon private property, whether owned by such person or not, except if it be in proper containers for storage and collection. No person shall throw or deposit refuse in any street, ditch, lake, stream or other body of water.

5. **SPECIAL WASTE:** It shall be a violation of this bill for any person to dispose of any acid, explosive material, inflammable liquids or any dangerous or highly corrosive material in a way which might be detrimental or harmful to any person or persons.

6. **RACKS OR STRUCTURES:** No rack or other structure intended to house or support garbage or refuse containers shall be constructed, maintained, or permitted to remain in any part of a public street or on private property within sight of a street. This shall not prevent the use of a garbage cart which can be rolled in and out from the house to the curb line.

7. **PLACEMENT OF CONTAINERS:** Residential refuse or garbage containers shall not be placed on the curb or grass plot prior to 5:00 p.m. of the day preceding the scheduled time of collection, and all containers shall be removed from the curb or grass plot prior to 7:30 p.m. on the day of collection.

8. **DEAD ANIMALS:** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection without the consent of the Collector or Director, provided, however, this section shall not apply to animal parts from food preparation for human consumption.

9. **BURIAL-PREMISES:** It shall be unlawful for any builder, or building contractor to bury any trash and debris which includes limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, building debris and all other materials used by the contractors in the course of building and/or alterations upon any premise unless a permit is first obtained in accordance with this bill.

10. **VEHICLE CONSTRUCTION:** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom.

11. **INTERFERENCE WITH AUTHORIZED SOLID WASTE MANAGEMENT:** It shall be unlawful for any person to interfere with any County enforcement or management personnel or employee of a permitted or franchised collector while in the performance of their duties authorized by this bill.

12. **SCAVENGING PROHIBITED:** It shall be unlawful for any person to scavenge any solid waste within the boundaries of a sanitary landfill operated by Mobile County. This shall not prohibit persons who first obtain the permission of the Director from removing such solid waste.

13. **DUMPS PROHIBITED:** It shall be unlawful for any person to use any property in Mobile County for disposal or treatment of solid waste without an unrevoked permit and (if required herein) Certificate of Need issued in accordance with this bill.

14. **BURNING PROHIBITED:** It shall be unlawful for any person to burn solid waste in any manner other than in a duly authorized incinerator permitted under Section V, or in accordance with the regulations promulgated by the Department of Environmental Regulation, as amended from time to time.

15. **HAZARDOUS OR INFECTIOUS WASTE:** It shall be unlawful to engage in any aspect of handling or managing any hazardous or infectious waste until a permit has been obtained in accordance with Section VI.

16. **ACTS CONTRARY TO ORDINANCE:** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of Mobile County contrary to the provisions of this bill or any permit or Certificate of Need issued hereunder.

17. **COLLECTION SERVICE:** It shall be unlawful for any person to operate a solid waste collection, transportation, or disposal service in Mobile County who does not possess an unrevoked permit from the Director and any required Certificates of Need from the Mobile County Commission.

18. **PAYMENT OF FEES:** No person shall deposit or dispose of any solid waste at any county solid waste disposal or handling facility without paying, in accordance with the requirements of the Director, any lawfully imposed charges.

SECTION XVI. INSPECTIONS.

In order to insure compliance with this bill and the laws of this State, the Director or his agents, or the Health Officer and his agents, are authorized to inspect, at reasonable times, all phases of solid waste management within Mobile County.

SECTION XVII. NOTICES.

In all instances where inspections reveal violations of this bill, or the laws of this State, the Enforcement Agency shall issue written notice for each such violation, stating therein the violation or violations found, the date and time of such violation and the corrective measures to be taken, together with the time in which such corrections shall be made. All such notices issued by the Enforcement Agency shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.

SECTION XVIII. PENALTIES.

Any person, firm or corporation who shall violate any of the provisions of this bill or who shall fail, neglect or refuse to comply with any order or notice given in pursuance and by authority of this bill shall be guilty of a Class C misdemeanor and subject to punishment as prescribed by Section 13A-7-29 of the Alabama Code.

SECTION XIX. SEVERABILITY.

If any section, subsection, paragraph, clause, sentence, phrase or portion of this bill is for any reason found invalid, unlawful, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. All laws or parts of laws which conflict with this act are hereby repealed. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-451

H. 839—Rep. Sandusky

AN ACT

To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

Be It Enacted by the Legislature of Alabama:

Section 1. Recognizing the rapid growth of the County of Mobile and the need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout Mobile County impairs this need and constitutes a public health hazard; and further recognizing the addition need of effective litter control, there is hereby enacted this "Mobile County Litter Control Act."

The purpose of this act is to accomplish litter control throughout Mobile County and its municipalities.

Section 2. As used in this act unless the context indicates otherwise;

(1) "Litter". Any bottles, glass, crockery, cans, scrapmetal, junk, paper, garbage, rubbish or similar refuse discharged as no longer useful or useable.

(2) "Person". An individual, partnership, firm, corporation, association or other entity;

(3) "Vehicle". Means every device capable of being moved upon a public highway and an, upon, or by which any persons or property is or may be transported or drawn upon a public highway;

(4) "Watercraft". Means any boat, ship, vessel, barge, or other floating craft;

(5) "Public Place" means any area that is used or held out for use by the public whether owned or operated by public or private interest;

(6) "Waters" means all of the waters within Mobile County on which watercraft are used or operated.

Section 3. No person shall throw, drop, deposit, discard, or otherwise dispose litter or garbage upon any public property on roadway in the county or upon private property in Mobile County not owned by him or in the waters of this state located in Mobile County whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the county or by any of its agencies or political subdivisions for the disposal of litter and refuse, and such person is authorized to use such property for such purpose;

(2) Into a receptable in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Furthermore, all places of business are expected to keep their places of business clean and are prohibited from placing or discharging litter or garbage upon public or private roadways, property and waterways within Mobile County.

Any person violating the provision of this section shall be guilty of a misdemeanor. The fine for littering shall be \$50.00 for each offense and in addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained for littering to spend two hours working with a city or county sanitation vehicle. The fine for dumping garbage on public or private land shall be not less than \$100.00 nor more than \$1,000.00 and in addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained for dumping garbage to spend an entire work day working with a city or county sanitation crew. All fines and penalties are hereinto those already described by state law and local ordinances.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. The provisions of the act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-452

H. 845—Rep. Goodwin

AN ACT

Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mayor of the City of Russellville, Franklin County, Alabama, shall receive an expense allowance of \$400.00 per month, and each member of the governing body of said city shall receive an expense allowance of \$100.00 per month; such expense allowances shall be paid from the city general fund in the same

manner as the salary of such mayor and members of the city governing body are paid, and shall be in addition to any other salary, expense, or allowance provided such mayor and city governing body members.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-453

H. 860—Rep. Coburn

AN ACT

Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In Colbert County, it shall be unlawful for any person, or one or more of a group of persons together, to willfully throw or cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light from any motor vehicle, with the aid of any motor vehicle, on any highway, or in any field, woodland, or forest, in an apparent attempt or with intent to locate deer and/or other wildlife. The provisions of this section shall not apply to farmers while checking livestock upon land which they own, lease, or rent.

Section 2. Any violation of the provisions of this Act shall be a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-454

H. 885—Rep. Cobb

AN ACT

To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), is hereby amended to read as follows:

“Section 1. In Marion County, Alabama, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155, Code of Alabama 1975, shall be \$15.00 which shall be collected by the sheriff and deposited in the county treasury and credited to a special fund to be known and designated as the sheriff's fund. Such fund shall be drawn upon by the sheriff and used exclusively for the purpose of law enforcement.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-455

H. 899—Rep. Smith

AN ACT

Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning March 1, 1982, the board of registrars of Chilton County is hereby directed to purge all lists of the registered electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Chilton County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the list of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of March 1982, the board of registrars of Chilton County is hereby authorized directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until four o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days' notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves.

Section 4. A voter may reidentify himself in either of the following ways: (a) He may reidentify himself by appearing in person before the board of registrars and answering such questions and submitting such proof as may reasonably be required by the board of registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) He may reidentify himself by filling in and mailing to the office of the board of registrars the completed answers to such questions as may reasonably be propounded to him in a written questionnaire by the board of registrars. Such questionnaire shall be made available to the public and may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of such county and who shall sign his answers as attesting witnesses.

Section 5. The board of registrars shall meet on the first Monday in March 1982, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known

by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside of Chilton County, Alabama, during the period of time from the effective date hereof to March 31, 1982.

Section 6. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least ten days prior to the election at which he offers to vote; provided further, however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Chilton County, Alabama, during the period of time from the effective date hereof to March 31, 1982.

Section 7. The county commission of Chilton County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, printed forms, and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 8. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTER REIDENTIFICATION - CHILTON COUNTY
1981-82

Beat _____

Name _____
Last
First
Middle or Maiden

Mailing Address _____

Date of Birth _____ Telephone No. _____

Social Security No. _____ Sex _____

City Limits: In _____ Out _____
City
State

 Signature of Voter

Date: _____

Section 9. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury in the third degree.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Act No. 126, H. 176, Special Session 1962 (Acts of Alabama 1962, p. 165), is hereby expressly repealed. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

 Act No. 81-456

H. 902—Rep. Smith (J)

AN ACT

To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Madison County, Alabama is hereby

authorized to sell at public auction, in the manner provided in this Act, abandoned and stolen personal property recovered by the Sheriff's Department of Madison County, Alabama which said property has remained unclaimed by the rightful owner thereof for a period of six (6) consecutive months.

Section 2. The Sheriff of Madison County, Alabama shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the Sheriff's Department of Madison County, Alabama which said records shall state the description of the property, the date of recovery of said property, the serial or other identifying number of said property and the place of recovery of said property. Such records shall be open to public inspection at all reasonable times. All abandoned or stolen property recovered by the Sheriff's Department of Madison County, Alabama shall be stored in a suitable place to protect the same from deterioration; provided, that if said property be of a perishable nature, after reasonable attempts have been made to locate and identify the owner thereof, if such attempts be unsuccessful, the same may be sold at once without notice in which case the proceeds shall be held for a period of six (6) months for the account of the owner and if not called for within that period of time, after deducting and paying all expenses incurred in the recovery, storage, maintenance and sale of such property, shall be paid into the general fund of Madison County, Alabama.

Section 3. At least every six months, the Sheriff of Madison County, Alabama shall sell at public auction to the highest bidder for cash all abandoned or stolen personal property which has been recovered by the Sheriff's Department of Madison County, Alabama and has remained unclaimed by the rightful owner thereof after a period of six months. Said sales are to be made after notice thereof shall have been given by publication in a newspaper of general circulation in Madison County once a week for two successive weeks or by posting such notice in a conspicuous place at the Madison County Courthouse for a period of at least twenty days prior to such sale. Such notice shall contain the place, date and time of each such auction and shall further contain a description of each item of personal property to be sold at said auction. If publication of such notice be made by publication in the newspaper, the first notice shall run at least twenty days prior to said auction.

Section 4. The owner of any abandoned or stolen personal property recovered by the Madison County Sheriff's Department may redeem the same at any time prior to its sale by paying any reasonable expenses incurred in the recovery of the said property, its maintenance and storage and a pro rata share of the costs, if any, of publication of notice of the sale of said property.

Section 5. Whenever any property is sold at public auction as provided in this Act, a notation in the storage record book shall be made of the fact of said sale and of the amount received for such property. All sales shall be cash. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sale from time to time if no bidders are present.

Section 6. The proceeds from any auction conducted under the authority of this Act, after deducting any paying all expenses incurred in the recovery, storage, maintenance and sale of property sold at such auction, shall be paid into the office of the Sheriff of Madison County, Alabama.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-457

H. 905—Rep. Turner

AN ACT

Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall possess a firearm on the Escatawpa River from the Washington County boundary line to United States Highway 98. Provided, however, a person owning land adjacent to the river may possess such a firearm, if other legal requirements are properly met. Provided, further, this act shall in no way prohibit a person with a proper permit from carrying a hand gun on said river.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-458

H. 920—Reps. Cooley, Bowling

AN ACT

Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780) is hereby amended to read as follows:

“Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$20,000. Said salary shall be in lieu of any and all other compensation, salary or expense allowance heretofore provided by law and shall be payable from the general fund of the county; provided, however, on behalf of such revenue commissioner, the county shall pay the employer’s contribution to any retirement or pension plan of which such revenue commissioner is a member.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-459

H. 921—Reps. Cooley, Bowling

AN ACT

Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each election official of the county and expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal to twenty-five (\$25.00) per day. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount under the provisions of this act shall be paid out of the county general fund and shall be paid only when the election officials actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-460

H. 922—Reps. Cooley, Bowling

AN ACT

Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The total amount of expenditures paid to the circuit clerk of Cullman County as expense allowances by the county under color of law during the period of May through August of 1980 are hereby validated and approved.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-461

H. 933—Rep. Waggoner

AN ACT

Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“Commissioner” means the commissioner of revenue of the state.

“County” means Shelby County in the State of Alabama.

“Fiscal Year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on the last day of each March, June, September and December.

“Registered Seller” means the person registered with the state department of revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“State” means the State of Alabama.

“State Department of Revenue” means the department of revenue of the state.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms and phrases used in this act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied in the county, and authorized to be collected as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation (including the state and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount of one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of any automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit

or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within the state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount of one percent of the gross receipts of any such business;

(c) upon every person, firm or corporation engaged on continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount of three-eighths of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount of three-eighths of one percent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of one dollar and twenty-five

cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount of three-eighth of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (e) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. Levy of Use Tax. There is hereby levied and imposed an excise tax on the storage, use or other consumption of property in the county as hereinafter provided in this section:

(a) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of one percent of the sale price of such property, except as provided in subsection (b), (c) and (d) of this section;

(b) an excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of

tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county, at the rate of three-eighths of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) an excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck, trailer, semi-trailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of three-eighths of one percent of the sales price of such automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, that where any used automobile vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) an excise tax is hereby levied and imposed on the classes of tangible personal property, and at the rate authorized to be imposed on such classes, specified in subsections (a), (b) or (c) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) and (c) of this section apply.

There are exempted from the provisions of this section, and from the taxes imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last day of each of the months of March, June, September and December. The sales taxes levied in Section 2 of this act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the state sales tax; and the use taxes levied in Section 3 of this act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the state use tax. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the said department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes levied herein the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to said taxes and the amount thereof as the state department of revenue may require. Any person subject to the sale taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales taxes levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer or account of said taxes. It shall be unlawful for any person subject to the sales taxes levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required

to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein levied, at the time such storage, use or other consumption becomes subject to the taxes herein levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the state department of revenue a return for the then preceding quarterly period in such form as may be prescribed by the state department of revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use taxes imposed herein, and who has not paid said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law in this Act. Said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of the county as hereinafter specified, shall collect such taxes and enforce this Act and shall have the exercise for such collection and enforcement all rights and remedies that the state department of revenue has for collection of the State Sales Tax and the State Use Tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this act and otherwise to enforce the provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and said department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales tax levied in Section 2 hereof, shall apply to the sales taxes levied in Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes levied in Section 3 hereof, shall apply to the use taxes in the said Section 3. The commissioner and the state department of revenue shall have and exercise the same powers, duties and obligations, with respect to the

taxes herein levied, that are imposed on the commissioner and said department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Disposition of Tax Proceeds. The state department of revenue shall charge the county, for collecting the taxes levied herein, the costs of said department in collecting said taxes; provided such charge shall not, in any event, exceed five percent of the total amount of the taxes collected hereunder. Such charge for collecting said taxes for the county may be deducted each month from the tax proceeds collected before the amount of said proceeds due the county for that month is certified as provided in this section. The commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the state department of revenue; and on or before the first of each successive month (commencing with the month next succeeding the month in which the said department makes the first collection of any of the taxes levied hereunder) the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the county during the month immediately preceding the making of such certificate and shall state separately in said certificate the amount of the proceeds so collected from the taxes levied in Section 2 hereof and the amount of the proceeds so collected from the taxes levied in Section 3 hereof; provided, however, that before certifying the amount of taxes paid into the state treasury for the benefits of the county during each month, the commissioner may deduct from the taxes collected hereunder in said month the charges due the said department for collection of said taxes. It shall be the duty of the state comptroller (i) to issue his warrant each month, payable to the county and to be held by the county in trust for distribution as provided in Section 10 of this Act, in an amount equal to the amount so certified by the commissioner as having been collected hereunder, and (ii) to transmit to the county, along with the said warrant, a copy of the said certificate by the commissioner.

Section 10. Use of Tax Proceeds. The proceeds of any taxes herein levied shall be paid over by the county within ten (10) days after their receipt as follows:

(a) Fifty percent (50%) shall be paid over to the county board of education and to the various city boards of education, if any, based on the ratio of the number of students in the public schools in any school system for the school year to the number of students in the public schools of the entire county for the school year; and

(b) Fifty percent (50%) shall be paid over to the county for general purposes and uses.

Section 11. Tax Proceeds May Be Pledged. The tax proceeds to be distributed to any board of education pursuant to the provisions of Section 10(a) of this Act may be used by such board for any public school or education purpose, including the payment of the principal of, premium, if any, and interest on any warrants, notes, securities or other obligations issued by such board and such tax proceeds may be pledged for such payment. The tax proceeds to be distributed to the county pursuant to the provisions of Section 10(b) of this Act may be used by the county for any lawful purpose, including to the payment of the principal of, premium, if any, and interest on any bonds, warrants, notes, securities or other obligations issued by the county and such tax proceeds may be pledged for such payment to the extent otherwise permitted by law.

Section 12. Taxes in Lieu of Taxes under Act No. 79-785. The taxes imposed by this Act shall be in lieu of, and shall supersede, the taxes levied pursuant to Act No. 79-785 adopted at the 1979 Regular Session of the Alabama Legislature.

Section 13. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 14. Effective Date. This Act shall become effective upon its enactment and approval by the Governor or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-462

H. 943—Rep. Crow

AN ACT

Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), is hereby amended to read as follows:

“Section 6. Each member of the board shall be paid forty (40) dollars and the chairman of the board be paid fifty (50) dollars per

month by the City of Oxford. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-463

H. 935—Reps. Sandusky, Bedsole, Stewart,
Harper (T)

AN ACT

To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, shall be the same and is hereby amended to read as follows:

“(a) For each group of eight or more exceptional children not exceeding 15 to be taught by a properly qualified full-time teacher as a special class or taught individually as homebound or hospitalized children unable to attend school for the major portion of a year, one teacher unit shall be allowed. The minimum number of pupils required for such unit may be reduced to not less than five, as authorized by regulations of the state board of education for special situations where the instruction of a larger number would not be feasible or practicable. One fifth of a unit may be authorized for each exceptional child taught in communities where fewer than five exceptional children are in need of special instruction as determined by the school board. Twenty (20) percent of all teacher units in each school system now allocated for the instruction of Exceptional Children shall be used for the purpose of instruction of gifted children.”

“(b) For each properly qualified member of the instructional staff devoting full time to the instruction or improvement of exceptional children from regular or special school programs as prescribed by regulations of the state board of education, one teacher unit shall be allowed.

“(c) When exceptional children are unable to attend school be-

cause they are homebound or hospitalized, instructional services may be provided by a duly qualified teacher or teachers, and one teacher unit shall be allowed for each 900 instruction hours, and a proportionate part of one unit shall be allowed for less than 900 instruction hours.

“(d) Upon the conclusion of the initial five-year plan period provided for in this chapter, the state school board shall allocate teacher units by the method provided for in this section to each public state institution which provides residential care for exceptional children, such as, for example: Alabama Institute for Deaf and Blind; Alabama State Training School for Girls; Alabama Boys Industrial School at Mt. Meigs; Alabama Boys Industrial School at Birmingham; to the extent that appropriations for such teacher units are not otherwise provided for by law.

Section 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-464

H. 958—Rep. Riddick

AN ACT

Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Madison County Board of Education shall each receive a salary of Eighteen Hundred Dollars (\$1,800.00) per annum, payable in equal monthly installments of One Hundred and Fifty Dollars (\$150.00).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-465 H. 973—Reps. Laird, Turnham, Harper (O), Ward

AN ACT

Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chambers County Commission is hereby authorized and empowered to impose, in addition to all other taxes heretofore provided by law, a privilege or license tax upon the sale, use or consumption, distribution, storing or withdrawing from storage of any malt or brewed beverages (including beer, lager, ale, porter or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in an amount equal to one cent (\$.01) on each container containing 15 ounces or less and one cent (\$.01) on each container containing 15 ounces or more of malt or brewed beverages sold within the county. Such additional tax shall be collected and administered pursuant to the provisions of Act No. 79-348, H. 754, Regular Session of 1979 (Acts 1979, p. 561) and the proceeds from such additional tax shall be deposited to the credit of the county general fund.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-466 H. 974—Reps. Laird, Turnham, Harper (O), Ward

AN ACT

Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Chambers County shall receive a mileage allowance in such amount as may be determined from time to time by the county commission for necessary travel in the performance of his duties. Such amount shall be in lieu of any allowance heretofore prescribed by law and shall be paid from the general fund in the county treasury.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The operation of this act shall be retroactive to October 1, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-467

H. 980—Rep. Blake

AN ACT

Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) are hereby amended to read as follows:

Section 1. In St. Clair County, in addition to all other taxes heretofore provided by law, a county privilege, license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in said county. The additional tax shall be an amount which will make the total tax five cents on each twelve fluid ounces or fractional part thereof, of malt or brewed beverages sold, used, consumed or distributed in the county. The tax shall be in addition to all other taxes heretofore or hereafter levied on such beverages; provided, that where the amount of the tax imposed by

this Act shall have been paid to the county by any seller, distributor, dealer, or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 2. (a) The provisions of Act No. 515, H. 1028, Regular Session of 1969 (Acts 1968, p. 985) requiring the use of tax stamps as the method of paying the tax levied under said Act are hereby deleted and such use of tax stamps is hereby discontinued.

(b) All the books and records required by said Act No. 515 to be kept or maintained by any person shall be open to examination by the district attorney of the county, by the attorney general of the State of Alabama, and by the state department of examiners of public accounts at any time. The books and records shall be audited on an annual basis.

(c) After the effective date of this Act, the taxes levied under said Act No. 515 shall be paid in accordance with rules and regulations adopted by the Chairman of the County Commission.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act shall become effective on the first day of the month following the expiration of two months from the date this bill becomes law.

This Act became a law under Section 125 of the Constitution on May 9, 1981 without approval by the Governor.

Act No. 81-468

H. 988—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other salary, compensation and expense allowances provided for by law, the members of the county board of registrars of Russell County may, in the discretion of the county commission, be paid an additional expense allowance of \$100.00 per month out of the county general fund.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act. No. 81-469

H. 990—Reps. Whatley, Adams (C)

AN ACT

To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act No. 403, H. 107, 1975 Regular Session (Acts of 1975, p. 1002), are amended and re-enacted to read as follows:

An Act To Provide for an additional expense allowance for the bailiffs of the circuit court of the 26th judicial circuit.

"Section 1. In addition to any and all other salary, compensation and expense allowances provided for by law, the bailiffs of the circuit court of the 26th judicial circuit shall each be paid \$200.00 per month as an additional expense allowance. Said expense allowance shall be paid each month out of the general fund of the county comprising the 26th judicial circuit."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-470

H. 991—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Russell County shall receive an expense allowance of \$550.00 per month for expenses incurred in and about the performance of the duties of his office.

In addition to the expense allowance provided for above the county commission of Russell County may, in its discretion, grant the county coroner an additional expense allowance in the amount of \$100.00 per month. Said expense allowance shall be in addition to any salary or other compensation provided for by law.

Section 2. Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and all other acts that conflict with the provision of this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-471

H. 992—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 40-12-10 of the Code of Alabama 1975 and any other general or local law of this state to the contrary, the Russell County Commission is hereby authorized to hire a county license inspector who shall hold such office at the pleasure of the county commission and shall perform the functions and duties required by law of such officer independent of the sheriff of such county. The county commission shall set the compensation of the county license inspector at a rate not to exceed \$600 per month plus up to twenty-five percent (25%) of all penalties collected under citations written by him or his duly appointed deputy.

Section 2 The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 79-595 of the 1979 Regular Session of the

Legislature (Acts 1979, p. 1056) is hereby specifically repealed and all other laws in conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-472

H. 993—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensation certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), is hereby amended to read as follows:

“Section 4. The Russell County commission shall provide each of such officers annual allowances for the purpose of hiring clerks or assistants in such amount as is deemed appropriate by the commission.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-473

H. 993—Reps. Whatley, Adams (C)

AN ACT

To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county

school system and the county general fund: to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Russell County commission may levy a privilege or license tax on all persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering to retailers in Russell County, except within the city limits of Phenix City and Hurtsboro and two cents within the police jurisdiction of Phenix City and Hurtsboro any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to not more than four cents on each twelve fluid ounces or fractional part thereof, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax authorized by this Act shall be collected by, or under the supervision of the county commission and 1/2 of the net proceeds of the tax, the term net being that portion remaining after payment of expenses incurred as provided for herein, shall be deposited into the general fund of said county. Of the amount that goes into the general fund 1/2 of such net proceeds shall be used by the county commission to aid the volunteer fire departments within Russell County which have agreements with the county commission to provide fire protection service and such funds shall be divided on a per department basis. The remaining 1/2 of the net proceeds shall go to the Russell County Board of Education.

Section 3. The county commission may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The county commission may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure.

Section 4. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the county commission shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this Act shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), is hereby expressly repealed and all other laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 8, 1981 without approval by the Governor.

Act No. 81-474

H. 1018—Rep. Adams (H)

AN ACT

Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to the Town of Cedar Bluff in Cherokee County.

Section 2. The municipal corporation of the Town of Cedar Bluff in Cherokee County shall have the right to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to their residents and residents of surrounding territory within Cherokee County.

Section 3. The municipal corporation is authorized to con-

struct, lease, purchase or otherwise acquire television lines or cables for the furnishing of television service from any point in this state or any other state to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act such municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. a) In payment of the purchase, construction, aquisition, extension or maintenance of such television cable system, the said municipal corporation may issue its bonds in the manner provided by law.

b) Such municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation

of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. The municipal corporation furnishing television cable service pursuant to this Act shall have the right to agree with any person furnishing television cable service to the public in this state to interconnect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the municipal corporation's television cable, lines, facilities or system in order to provide a continuous line of communication for the municipal corporation's subscribers.

Section 7. The municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. For the transaction of business pursuant to this Act, the said municipal corporation shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-475

H. 883—Rep. Cobb

AN ACT

Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Board of Education is hereby authorized to meet during the last week in June of this year and may, at that time, set the salary of the Superintendent of Education effective at the beginning of the next term of office.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-476

H. 186—Reps. Zoghby, Kennedy, Escott, Bedsole, Ward, Stewart, Bennett, Parker, Harper (T), Smith (M), Riddick, Smith (J).

AN ACT

To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as and may be cited as the "Protection from Abuse Act."

Section 2. In this act, the words hereinbelow shall have the following meanings unless the context clearly indicates otherwise:

(a) "Abuse" means the occurrence of one or more of the following acts between family or household members, as defined by the provisions of this act, who reside together:

(1) Attempting to cause or intentionally, knowingly or recklessly causing physical injury with or without a deadly weapon.

(2) Placing by physical menace another in fear of imminent serious physical injury.

(3) Abusing minor children as defined under Title 26, Chapter 15

of the Code of Alabama 1975, known as "The Alabama Child Abuse Act."

(b) "Adult" means any person 19 years of age or older, or who otherwise is emancipated.

(c) "Court" means the circuit court, or when circuit court judge is unavailable, the district court.

(d) "Family or household members" mean spouses, persons living in common-law marriage relationship, parents and children, or other persons related by consanguinity or affinity.

Terms not otherwise defined by this act shall have the meaning given to them by the Alabama Criminal Code, Title 13A, Code of Alabama 1975, or other provisions of law, as the case may be.

Section 3. The courts, as herein provided, shall have jurisdiction over all proceedings under this act.

Section 4. The plaintiff's right to relief under this act shall not be affected by his or her leaving the residence or household to avoid further abuse.

Section 5. An adult may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court, of proper jurisdiction, alleging abuse by the defendant.

Section 6. (a) Within ten days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall advise the defendant of his or her right to be represented by counsel. Responsibility for attorney's fees and costs shall be determined and assessed by the court. Nothing herein shall be construed to preclude any person, who is otherwise eligible, from having court appointed counsel.

(b) The court may enter such temporary orders as it deems necessary to protect the plaintiff or minor children from abuse, or the immediate and present danger of abuse to the plaintiff or minor children, upon good cause shown in an ex parte proceeding.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems reasonably necessary.

Section 7. (a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and/or establishing temporary reasonable visitation rights with regard to minor children.

(5) Ordering the defendant to pay temporary reasonable support for the plaintiff or any child in the plaintiff's custody, or both, when the defendant has a legal obligation to support such person.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent verified petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property, except final subsequent proceedings available by law.

Section 8. A copy of any order under this act shall be issued to the plaintiff, the defendant and the law enforcement officials with jurisdiction to enforce the order or agreement.

Section 9. (a) When the court is unavailable from the close of regular business, or during holiday recess, a petition may be filed before a circuit court judge, or, when a circuit court judge is unavailable, a district court judge, who may grant relief in accordance with Section 7 (a), (2) or (3) if the judge deems it necessary to protect the plaintiff or minor children from abuse, or the immediate and present danger of abuse to the plaintiff or minor children, upon good cause shown in an ex parte proceeding.

Any order issued under this subsection (a) will require a hearing to be held within ten (10) days at which time the plaintiff may seek a temporary order from the court.

(b) Any order issued under this section and any documentation

in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under Section 5 and invoking the other provisions of this act.

Section 10. Any proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other civil or criminal penalties provided by law. It is specifically provided that any defendant shall have the same rights, remedies and due process where any wrongful action is instituted as any defendant in other civil and criminal actions.

Upon violation of a protection order of a court approved consent agreement, the court may hold the defendant or plaintiff as the case may be, in contempt and punish him in accordance with law.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. The provisions of this act are supplemental and shall be construed in pari materia with other laws relating to civil and criminal procedure; provided, however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1981

Time: 2:45 P.M.

Act No. 81-477

H. 915—Reps. Sasser, Grimsley

AN ACT

Proposing an amendment to the Constitution of Alabama, 1901, relative to the fees and compensation of the judge of probate of Henry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Henry County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Henry County; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officer to be paid into the treasury from which his salary is paid. This amendment shall not have been adopted unless a majority of the qualified electors of Henry County who participate in the election held on the adoption of this amendment vote in favor thereof.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and § 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House April 23, 1981

Passed the Senate May 7, 1981

Act No. 81-478

H.J.R. 355—Rep. Smith (C)

HOUSE JOINT RESOLUTION

CONGRATULATING MISS SUSIE DEMENT UPON BEING A FINALIST FOR THE 1981 TEACHER HALL OF FAME AWARD.

WHEREAS, Miss Susie Dement, a typing teacher at Montevallo High School, is the first teacher from Shelby County ever to be nominated for a Teacher Hall of Fame Award; and

WHEREAS, Miss Dement was recently honored at the special awards presentation at Jacksonville State University where she received a certificate for being one of the top five finalists for this prestigious award; and

WHEREAS, Miss Dement's enthusiasm for her work, her devoted service to Montevallo High School and her concern for her students will long be remembered by those who were taught by her; and

WHEREAS, a recital of her many accomplishments would be incomplete without the inclusion of the many contributions which Miss Dement has made to the hundreds of students whose lives have been influenced by her teaching and wise counsel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Miss Susie Dement upon being a finalist for the 1981 Teacher Hall of Fame Award.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Dement and the principal of Montevallo High School.

Approved May 13, 1981

Time: 2:00 P.M.

Act No. 81-479

S. 359—Messrs. Smith, McDonald and
Harrison

AN ACT

To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following percentages of the active solar energy expenditures made by an individual taxpayer shall be allowed as a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975:

After	and	Before	Percentage
December 31, 1980		January 1, 1982	25
December 31, 1981		January 1, 1983	20
December 31, 1982		January 1, 1984	15
December 31, 1983		January 1, 1985	10

December 31, 1984
December 31, 1985

January 1, 1986

5
0

Section 2. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) "Active solar energy expenditures" means the total costs paid by a taxpayer in purchasing, installing, assembling or constructing one or more active solar energy devices or systems in a single family residence. "Active solar energy expenditure" does not include any interest or financing charges incurred in acquiring solar energy devices or systems.

(2) "Active solar energy devices or systems" means active devices or systems which, when installed, assembled or constructed in or near a structure will be reasonably effective in heating or cooling such structure as in heating water for use in such structure. "Active solar energy devices or systems" does not include conventional supplemental conversion systems or distribution systems connected to such systems even though they may also be connected to the active solar device or system.

(3) "Active devices or systems" includes the means of collecting solar radiation, transporting and storing the energy so collected and withdrawing such energy from the storage medium for heating or cooling a structure or heating water for use in a structure. "Active devices or systems" also includes controls which are necessary to the effective operation of the active device or system. "Active devices or systems" does not include any part of the cost of a swimming pool which may be used as an energy storage medium. "Active devices or systems" does not include passive techniques of solar utilization such as trombe walls, clerestories, thermal masses, or direct gain windows.

(4) "Single family residence" means a residential unit which is owned and occupied by the taxpayer as his principal residence and which is located in the State of Alabama.

Utilizing solar energy does not include the use of energy as transformed into other forms such as wind energy, wood, the force of falling water, or the products of decomposition of vegetable matter.

Section 3. (a) The credit allowed by Section 1 shall not exceed \$1,000 with respect to all the active solar energy systems and devices incorporated into or used in any single family residence by the taxpayer.

(b) The sum of the credits allowed to any taxpayer with respect to any single family residence under Section 1 and as otherwise pro-

vided by law shall not exceed \$1,000.00.

(c) No credit shall be allowed under Section 1 unless the original use of the active solar energy device or system commences with the taxpayer.

Section 4. (a) In the case of a multiple residence structure, any unit owned and occupied by a taxpayer as his principal residence shall be considered a single family residence. Any taxpayer who is treated as the owner of a single family residence by reason of this subsection shall be entitled to a credit under Section 1 for the active solar energy expenditures with respect to the structure which are attributable to the residential unit occupied by such taxpayer.

(b) In the case of active solar energy devices and systems installed, assembled or constructed in a new single family residence by a contractor, the first purchaser of such single family residence who occupies it as his principal place of residence may qualify for the credit to the extent that the additional cost of the single family residence attributable to active solar energy devices or systems would have constituted active solar energy expenditures if made by the taxpayer.

(c) In the case of a single family residence owned by joint tenants or tenants in common, each tenant shall be entitled to a portion of the credit allowed by Section 1 proportional to the amount of the active solar energy expenditures contributed by such tenant. For the purpose of applying the limitations of Section 1, all such tenants shall be considered one taxpayer.

Section 5. If the amount of credit available to a taxpayer during any year exceeds the taxpayer's liability for the tax imposed by Section 40-18-2 of the Code of Alabama 1975 for the year, the excess shall be treated as a credit arising in the succeeding taxable years until exhausted.

Section 6. The credit provided by Section 1 shall be not allowed with respect to active solar energy devices or systems which do not satisfy criteria established by the Alabama Solar Energy Center and promulgated as regulations of the department of revenue. Such criteria shall be consistent with and not more restrictive than those of the U. S. Department of Treasury for federal tax purposes.

Section 7. An expenditure shall be treated as made when paid by the taxpayer.

Section 8. The allowance of a credit pursuant to Section 1 shall not affect the basis (as determined under Section 40-18-6 of the Code of Alabama 1975) of any active solar energy device or system or any single family residence in which such device or system is used, assembled, installed or constructed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective with tax years beginning January 1, 1981 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1981

Time: 11:45 A.M.

Act No. 81-480

S. 360—Messrs. Smith, McDonald, and Harrison

AN ACT

To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

Be It Enacted by the Legislature of Alabama:

Section 1. The following percentages of the passive solar energy expenditures made by an individual taxpayer shall be allowed as a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975:

After	and	Before	Percentage
December 31, 1980		January 1, 1982	12-1/2
December 31, 1981		January 1, 1983	10
December 31, 1982		January 1, 1984	7-1/2
December 31, 1983		January 1, 1985	5
December 31, 1984		January 1, 1986	2-1/2
December 31, 1985			0

Section 2. When used in this Act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) "Passive solar energy expenditures" means the total cost paid by a taxpayer to construct or install a passive solar energy system in a single family residence. The term "passive solar energy expenditures" does not include any interest or financing charges incurred in acquiring a passive solar energy system.

(2) "Passive solar energy system" means a system:

(A) Which contains all the following sub-systems:

- (i) A solar collection area,
- (ii) an absorber,
- (iii) a storage mass,
- (iv) a heat distribution method,
- (v) heat regulation devices; and

(B) May contain in addition, a passive cooling subsystem; and

(C) Which is constructed or installed after December 31, 1979, and before January 1, 1986.

(3) "Solar collection area" means an expanse of transparent or translucent material that is located on that side of the structure which faces south, within 30 degrees.

(4) "Absorber" means a hard surface that:

(A) Is irradiated by the rays of the sun admitted through a solar collection area,

(B) converts solar radiation into heat, and

(C) transfers heat to a storage mass.

(5) "Storage mass" means a dense, heavy material that:

(A) Receives and holds heat from an absorber and later releases the heat to the interior of the structure,

(B) is of sufficient volume, depth, and thermal energy capacity to store and deliver solar heat so that the temperature of the structure in which it is incorporated, remains relatively stable,

(C) is located so that it is capable of distributing the stored heat to the habitable areas of the structure through a heat distribution method, and

(D) has an area of irradiated material equal to or greater than the solar collection area.

(6) "Heat distribution method" means:

(A) The release of radiant heat from a storage mass within the habitable areas of the structure, or

(B) convective heating from a storage mass, through airflow paths provided by openings or by ducts in the storage mass, to habitable areas of a structure.

(7) "Heat regulation device" means:

(A) Shading or venting mechanisms to control the amount of solar heat admitted through solar collection areas, and

(B) nighttime insulation or its equivalent to limit the amount of heat permitted to escape from the interior of a structure.

It is further provided that shading must not allow direct solar radiation into the building between 6:00 a.m. and 6:00 p.m. on June 21 unless solar radiation is required to activate passive cooling features.

(8) "Passive cooling subsystem" means:

(A) Underground tubes used to cool by ventilation, and

(B) mechanisms to promote cooling by natural ventilation, dehumidification, radiation or evaporation, and

(C) fans of one horsepower or less used to induce draft ventilation.

(9) "Single family residence" means a residential unit located in the State of Alabama which is owned and occupied by the taxpayer as his principal residence.

Section 3. (A) The credit allowed by Section 1 of this Act shall not exceed \$1,000 with respect to all the passive solar energy systems installed in a single family residence by the taxpayer.

(B) The sum of the credits allowed to any taxpayer with respect to any single family residence under Section 1 of this Act and as otherwise provided by law shall not exceed \$1,000.

(C) No credit shall be allowed under Section 1 of this Act unless the original use of the passive solar energy system commences with the taxpayer.

(D) No credit shall be allowed under Section 1 of this Act for any subsystem of a passive solar energy system, the original use of which commenced before the system was completed, or before all the components enumerated in Section 2 [subsections (2) (A) (i) through (v)] have been installed or constructed.

Section 4. (A) In the case of a passive solar energy system installed or constructed in a new single family residence by a contractor, the first purchaser of such single family residence may qualify for the credit to the extent of that portion of the purchase price which would otherwise qualify as passive solar energy expenditures if made by the taxpayer.

(B) In the case of passive solar energy expenditures by joint tenants or tenants in common with respect to a single family resi-

dence, each such tenant shall be allowed a portion of the credit allowed by Section 1 of this Act proportional to the amount of the passive solar energy expenditures contributed by such tenant. For purposes of applying the limitations of Section 3, all such tenants shall be considered one taxpayer.

Section 5. If the amount of credit available to a taxpayer during any year exceeds the taxpayer's liability for the tax imposed by Section 40-18-2 for the year, the excess shall be treated as a credit arising in the succeeding taxable years until exhausted.

Section 6. (A) The credit provided by Section 1 of this Act shall be allowed only for passive solar energy systems which satisfy performance and quality criteria adopted by the Alabama Solar Energy Center and by the Department of Revenue.

(B) The Department of Revenue may require the submission of data to substantiate compliance with subsection (A) of this section. This shall include, but not be limited to, drawings and descriptions demonstrating that the passive solar energy system will comply with the criteria adopted pursuant to subsection (A) of this section.

(C) The criteria shall be consistent with and not more restrictive than the criteria (if any) established by the United States Treasury relating to federal tax benefits for passive solar energy systems.

Section 7. An expenditure will be treated as made when paid by the taxpayer.

Section 8. The allowance of a credit pursuant to Section 1 shall not affect the basis as determined under Section 40-18-6, Code of Alabama 1975, of any passive solar energy system or single family residence.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective with tax years beginning January 1, 1981 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1981

Time: 11:45 A.M.

Act No. 81-481

S. 464—Mr. Proctor

AN ACT

Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Health of Chilton County may fix a schedule of fees which shall cover a portion of the cost involved in the performance of services rendered pursuant to the duties, functions and programs required by law or by regulation or of the County or State Board of Health. Any fee schedule fixed pursuant to this Act shall be effective upon approval of the County Commission of Chilton County, Alabama.

Such fee schedule shall be reviewed annually by said commission which shall make appropriate adjustments as it deems they are needed.

Section 2. The Chilton County Board of Health is hereby authorized to promulgate rules and regulations necessary and proper for the administration of this act. Such regulations shall include but not be limited to the furnishing of services without charge to indigent residents, or persons of said county, and matters pertaining to payment of said fee for personal health services, permits and inspections.

Section 3. All fees collected pursuant to this Act are recurring and hereby appropriated or reappropriated to the County Health Department for the continued operation of said services and programs.

Section 4. The provisions of this Act are severable. If any part of this Act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon passage and approval by the Governor or upon otherwise becoming a law.

Approved May 14, 1981

Time: 11:45 A.M.

Act No. 81-482

S. 597—Mr. Mitchem

AN ACT

Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marshall County Commission may levy from each producer of coal in Marshall County a privilege or license tax to be known as a severance tax. The rate of said tax shall be established by said county commission.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal, but shall be the only severance tax levied by the county on coal. The amount collected from such tax shall be deposited in the Marshall County Road and Bridge Fund to be distributed to the district from which the coal was mined.

Section 3. The Marshall County Commission shall require each producer of coal in such county to file with said commission a surety bond approved by said commission guaranteeing payment of the severance tax levied in accordance with this act.

Section 4. The State Department of Revenue shall collect the severance tax levied by this Act in addition to the severance tax levied by Chapter 13 of Title 40 of the Code of Alabama 1975, as amended. The State Department of Revenue is hereby further authorized to recover all costs of collecting such severance taxes from the proceeds of such taxes collected and said Department is hereby authorized to promulgate such rules and regulations as are necessary to facilitate the collection of said severance taxes in any county levying the tax pursuant to this Act.

Section 5. The provisions of this Act shall be administered and the tax levied in accordance with this Act shall be subject to and collected in accordance with all applicable definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions as are provided in the provisions of Chapter 13 of Title 40 of the Code of Alabama 1975, as amended, except where inapplicable or where herein otherwise provided. Assessments for the tax levied in accordance with this Act shall be made in accordance with the applicable provisions of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended.

Section 6. All laws, general, local or special or parts of such

laws, in conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1981

Time: 11:45 A.M.

Act No. 81-463 S.J.R. 174— Messrs. deGraffenried, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. FLOYD TATE OF BOAZ, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Mr. Floyd Tate of Boaz, Alabama, on April 27, 1981, at the age of 78; and

WHEREAS, Mr. Tate moved with his family to Boaz from Madison County and for almost four decades was actively involved as a leader in the religious, charitable and civic affairs of the Boaz community; and

WHEREAS, he was a charter member of the Huntsville Lions Club and was a longtime member of the Saint Paul Methodist Church of Boaz; and

WHEREAS, a former prominent Boaz businessman, Mr. Tate also was long active in the political affairs of our state, and had served as a member of the Marshall County Democratic Party, as well as committeeman, for some thirty years; and

WHEREAS, he and his beloved wife, who was the former Josephine Patterson, recently celebrated their 50th Wedding Anniversary; they were the parents of three children, one of whom, Mrs. Jill Mitchem, is the wife of our colleague, Senator Hinton Mitchem of Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Floyd Tate of Boaz, Alabama, and extend our most heartfelt sympathy to his wife and children who shall be provided with copies of this resolution, evidencing our deeply shared sorrow in their great and grievous loss.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-484

S.J.R. 171—Messrs. Mitchem and Robertson

SENATE JOINT RESOLUTION

COMMENDATION OF JOSEPH P. GIVHAN FOR HIS OUTSTANDING SERVICE TO ALABAMA.

WHEREAS, Joseph P. Givhan, a native son of the State of Alabama, has worked untiringly for the betterment of our State and its citizens; and

WHEREAS, Mr. Givhan has exemplified courage, sincerity, endurance and a burning desire to help mankind; and

WHEREAS, Mr. Givhan retired on January 30, 1980, after forty-six years of service to Alabama through his employment with the Soil Conservation Service in 1934 and beginning in October 1935 with the Cooperative Extension Service; and

WHEREAS, Mr. Joe Givhan and a few friends conceived the idea of a State organization to promote the sale and export of native products and persuaded the Legislature of the State of Alabama to create The Alabama Foreign Trade Relation Commission and he, Joseph P. Givhan, became the first Director of said Foreign Trade Relations Commission. Since its inception the commission has created an export market for Alabama's agricultural products thereby bringing in additional income for Alabama farmers and increasing the State tax base; and

WHEREAS, Joseph P. Givhan, a graduate of Alabama Polytechnic Institute, now Auburn University, and the University of Chicago Graduate School; served four years in the Army of the United States of America during World War II; and

WHEREAS, he was one of the six founders of the Red Angus Cattle Breeders Association of America serving two terms as President

of that organization, and served on the Secretary of Agriculture's National Cattle Industry Advisory Committee under three Federal Administrations; and

WHEREAS, in 1962 he instituted his own Good Neighbor Program by donating a Red Angus Bull from his own herd to foreign nations to help them upgrade their beef cattle industry which created good will for the United States. These purebred registered bulls have been donated to sixteen countries, including Russia and South Africa. These trips and travel expenses were paid for with his own funds; and

WHEREAS, through his efforts working with the Legislature and State Docks Department, he helped secure the money to construct grain elevators at seven river ports which were responsible for a vast expansion of the Alabama soy bean industry which grew from 165 thousand acres in 1964 to 2.3 million acres in 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, in recognition of his profound leadership, his accomplishments, and his influence and regard for the citizens of the State of Alabama, do hereby pay tribute to Joseph P. Givhan and urge the people of this great State of Alabama to recognize and applaud this outstanding citizen.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives and the Secretary of the Senate jointly transmit a copy of this Resolution to the Honorable Fob James and that Governor James is hereby requested to cause this Joint Resolution to be delivered to Joseph P. Givhan.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-485

S.J.R. 172—Mr. Martin

SENATE JOINT RESOLUTION

REQUIRING THE CHIEF EXAMINERS OF PUBLIC ACCOUNTS TO ASCERTAIN AMOUNT OWED BY STATE TO THE COUNTIES FOR HOUSING, FEEDING, AND CARING FOR STATE PRISONERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the chief examiner of public accounts is hereby authorized and directed to provide for ascertaining the exact amount currently owed by the State of

Alabama to each of the several counties of the state for housing, feeding and caring for state prisoners.

BE IT FURTHER RESOLVED, That the chief examiner of public accounts report his findings, itemizing the amount owed to each county of the state and also showing the total amount owed to all counties, to the joint Legislative Committee on Public Accounts at the next quarterly meeting of said committee.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-486

S.J.R. 175—Mr. Little

SENATE JOINT RESOLUTION

HONORING MR. TOMMY GOFF OF AUBURN, ALABAMA.

WHEREAS, The Alabama Legislature, in pleased concurrence, notes the designation of May 15, 1981, as "Tommy Goff Day" in Auburn, Alabama, in expression of gratitude to Mr. Goff for his dedicated tenure of almost 25 years as Director of Music at Auburn High School; and

WHEREAS, a native Mobilian, Mr. Goff is a graduate of Murphy High School, of Auburn University with a Master's Degree in Music Education, and he has completed additional studies toward his Doctorate at Florida State University; and

WHEREAS, Mr. Goff, in addition to teaching Music Theory courses, also directs the Marching, Symphonic, Concert, Beginner and Laboratory (Jazz) Bands at Auburn High School; and

WHEREAS, his Symphonic Bands have received 23 Superior Ratings at State Band Contests over the past 24 years; his Marching Bands have participated in several Gubernatorial Inaugural Parades, at the Senior Bowl in Mobile, and at the Falcons' and Braves' games in Atlanta as well as at numerous sporting events at Auburn University; and his Jazz Bands have been rated "Superior" in every contest entered and won many prestigious awards such as the Sweepstakes Trophy at the Loyola Jazz Festival; and

WHEREAS, most recently, Mr. Goff's Jazz Band has attended the Loyola, Columbus and Dogwood Jazz Festivals, winning "Superior" ratings and trophies, and the Symphonic Band has won "Superior" ratings at the Dogwood Arts Festival where the Marching Band also appeared in parade; and

WHEREAS, a member and Sunday School teacher at Auburn United Methodist Church, Mr. Goff also is a member of and has held office in numerous professional and honorary associations; he also is responsibly involved in many community and civic affairs and has won several outstanding awards such as the Citizenship Citation of the Auburn Civitan Club and the Service Award from the Auburn Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Tommy Goff on his outstanding career and express our gratitude for his dedicated service to Auburn High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Goff, that he may know of our sincere praise and high regard.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-487 S.J.R. 176— Messrs. Little, Bailey, Barron, Britnell,
Callahan, Cook, deGraffenried,
Denton, Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,
Higginbotham, Hilliard, Holmes,
Keener, Kirkland, Lemaster,
Martin, McDonald, Miller, Mitchem,
Parsons, Pearson, Proctor,
Robertson, St. John, Smith,
Taylor, Teague, Vacca, Weeks
and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JAMES R. RAIFORD OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mr. James R. Raiford of Montgomery, Alabama, on April 29, 1981, at the age of 46; and

WHEREAS, Mr. Raiford, who was educated in the public schools of his native Clay County, was a graduate of Auburn University with a B.S. Degree in Business Administration, and he had been an employee of the State of Alabama for more than 20 years; and

WHEREAS, Mr. Raiford's first state employment was with the Office of Examiners of Public Accounts, from 1960 until 1971, at which time he transferred to the Budget Office as an Examiner II; and

WHEREAS, while serving in such capacity, Mr. Raiford was appointed Acting Budget Officer in October 1975, to assume permanent office in January 1976; and

WHEREAS, Jimmy Raiford, who was a member of the First Baptist Church of Ashland, was also a member and past president of the National Association of State Budget Officers; and

WHEREAS, during his exemplary service with the State of Alabama, Mr. Raiford earned the admiration and respect of this body, most particularly for his accomplished tenure as State Budget Officer during which time he was of invaluable assistance on numerous occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend, James R. Raiford, and extend our most heartfelt sympathy to all members of his family to whom a copy of this resolution shall be sent.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-488

S.J.R. 177—Mr. Harrison

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF W. D. "WILLIE" DeARMOND, MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama is saddened by the death of Mr. W. D. "Willie" DeArmond of Montgomery, Alabama, on January 5, 1981, at the age of 70; and

WHEREAS, this native of Baywood; Louisiana, received his primary and secondary education in Pride, Louisiana, and earned a Bachelor of Science Degree in Chemical Engineering from Louisiana State University; and

WHEREAS, Mr. DeArmond served his country in World War II in 1942, entering as a 2nd Lieutenant in the United States Army, serving as Engineering Liaison Officer to the Iranian Army, and was discharged with honors in 1946, having attained the rank of Lieu-

tenant Colonel; and

WHEREAS, in 1947, only one year after commencing his thirty-four-year career in the L-P Gas Industry, Mr. W. D. DeArmond and his wife, Shirley, moved to Montgomery where he contributed immeasurably to the betterment of his community and State; and

WHEREAS, his keen mind and business acumen led Mr. DeArmond to be respected by all throughout the L-P Gas Industry nationwide; and

WHEREAS, the more successful "Willie" became the more he was motivated to great generosity and to share his success with everyone; and

WHEREAS, "Willie" left us many legacies that all recognized as his trade-marks: hard work, humility, kindness, generosity of self, talents and possessions, all of which endeared him to his legion of friends; and

WHEREAS, W. D. DeArmond, who never sought to be recognized as a leader but only wished to serve others, now stands as a monument exemplifying those virtues which make great persons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of W. D. "Willie" DeArmond of Montgomery, Alabama, and send copies of this resolution to his wife, Shirley, and to their son, Art, that they may know of our deeply shared sorrow in their great loss.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-489

S.J.R. 179— Messrs. Weeks, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca and White

SENATE JOINT RESOLUTION

COMMENDING JUDY G. McLEAN, ON SUCCESSFULLY COMPLETING THE EXAMINATION FOR CERTIFIED PUBLIC ACCOUNTANTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes that Mrs. Judy G. McLean, native of Grove Hill, Alabama, and Human Resource Fiscal Analyst, Legislature Fiscal Office, has successfully completed the examination for Certified Public Accountants; and

WHEREAS, Mrs. McLean received her Bachelor of Science Degree in Business and Accounting from Auburn University, and presently she is pursuing a Masters in Business Administration, Auburn University of Montgomery; and

WHEREAS, this Legislature is particularly proud of Mrs. McLean's accomplishments because she has given her fiscal expertise to us for over two and one-half years since working in the Legislative Fiscal Office; and

WHEREAS, Mrs. Judy McLean is a member of the Committee on Fiscal Affairs and Government Operations of the Southern Legislative Conference of the Council of State Governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mrs. Judy G. McLean on her recent accomplishment of successfully completing the certified public accountants' examination and give her a copy of this resolution as evidence of our concurring pride and in appreciation of her fine assistance to this Legislative body.

RESOLVED FURTHER, That we do commend Mr. Victor McLean, husband of Judy G. McLean, on his encouragement and supportiveness of his wife in her ambitious endeavors.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-490

S.J.R. 180—Mr. Smith

SENATE JOINT RESOLUTION

COMMENDING THE UAH CHARGER HOCKEY TEAM.

WHEREAS, the Hockey Club of the University of Alabama at Huntsville is completely self-funded and although the club, comprised of UAH students, receives ten percent of the gate at its Civic Center games, the players and coaches themselves make up the difference in funds needed for equipment, suits and all necessary travel expenses; and

WHEREAS, the Charger Hockey Team, which is a member of the Southern Collegiate Hockey Association, has won the League Championship for the past two years in tournament competition among the four top teams in the association; and

WHEREAS, UAH Hockey Club games have drawn the four largest crowds ever to attend sporting events at the Civic Center which gives credence to hockey's growing popularity as the largest drawing indoor sport in North Alabama; and

WHEREAS, it is significant to emphasize that Coach Joe Ritch and his assistant, Edward Ragland, Jr., receive no pay whatsoever for their services, nor do managers Doug Brewster and Randy Bearden or Dr. Don Ross who serves as team physician; and

WHEREAS, team members, who are non-scholarship and unpaid, are Chris Crenshaw, Bill Roberts, David Ragland, Sonny Atkinson, Russ Simons, Mike Finegan, Edwin Baum, Wayne Zeek, Bobby Zeek, Bud McLaughlin, Rich Brooks, Tom Dailey, Tom Perry, Gus Morard, Dan Clough, Daniel Frith, Jeff Parker and Rob Woody; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and congratulate the UAH Charger Hockey Team for its enthusiasm, team spirit and outstanding achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display by the UAH Hockey Club, with a copy also sent to Coach Joe Ritch on behalf of his staff and the entire team.

Approved May 17, 1981

Time: 2:00 P.M.

**MOURNING THE DEATH OF DR. JOHN R. MORTON, JR.,
OF TUSCALOOSA, ALABAMA.**

WHEREAS, the Alabama Legislature notes with deep sorrow and regret the death of Dr. John R. Morton, Jr., of Tuscaloosa, Alabama, on April 28, 1981, at the age of 76; and

WHEREAS, Dr. Morton, who had retired in 1969 as Dean of the Extension Division of the University of Alabama, joined the University faculty in 1944 as a professor and Director of Continuing Education; and

WHEREAS, appointed Dean of the Extension Division in 1954, Dr. Morton played an instrumental role in the initiation of University Centers at Huntsville, Selma and Dothan and also was the impetus, in coordination with the city-county governing bodies, for the construction of physical facilities for University activities in Mobile, Dothan, Montgomery and Gadsden, and in Huntsville where the first building constructed was named in his honor; and

WHEREAS, prior to Dr. Morton's association with the University of Alabama, he had served for some 13 years as a teacher, administrator and professor in the Texas public schools, at the University of Texas in El Paso and at Mississippi State College; and

WHEREAS, Dr. Morton pursued his graduate studies at the University of Texas, Ohio State University, and at Columbia University where he earned his doctorate in 1940; his M.A. Degree was bestowed by the University of Texas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. John R. Morton, Jr., and extend our most heartfelt sympathy to his wife, Mrs. John R. Morton, Jr., to their three sons, John R., III, Charles William and Thomas Richard Morton, and to other family members to whom copies of this resolution shall be sent.

Approved May 17, 1981

Time: 2:00 P.M.

RETIREMENT.

WHEREAS, Don L. Thomas has recently ended an outstanding career as a law enforcement officer and game warden in Covington County; and

WHEREAS, he attended and graduated from Pleasant Home School, after which he joined the Navy and served in the Pacific theater throughout the war and was stationed at Guam when the Japanese surrendered; and

WHEREAS, he began his law enforcement career with the Andalusia Police Department in 1950; and

WHEREAS, he began his career as a game warden in Union Springs in 1955 and nine months later was transferred by the Alabama Conservation Department to Covington County; and

WHEREAS, as one who truly loved his work, Don L. Thomas influenced many young people into going into the conservation field of work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Don L. Thomas on his outstanding career as a game warden, we congratulate him on his retirement, wish him well in all future endeavors, and direct that he receive a copy of this resolution as evidence of this body's deep appreciation and esteem.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-493

S.J.R. 188—Mr. Parsons

SENATE JOINT RESOLUTION

COMMENDING ANDREW MARK HUTCHER FOR HIS DEDICATED SERVICE DURING HIS EMPLOYMENT WITH THE ALABAMA STATE SENATE IN THE LIEUTENANT GOVERNOR'S OFFICE.

WHEREAS, Andrew Mark Hutcher has made tremendous contributions to the workings of the Alabama State Senate in the Office of the Lieutenant Governor; and

WHEREAS, he will be departing from his present position as Legislative Assistant to the Lieutenant Governor to further his education at the University of Virginia; and

WHEREAS, he will be missed by all that have come to know him and appreciate his tremendous abilities and potential; and

WHEREAS, He is one dapper dude; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Andrew Mark Hatcher will be missed by all and that we express to him our sincere appreciation for his many contributions and wish all success in his educational and professional endeavors.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-494

S.J.R. 162—Mr. Callahan

SENATE JOINT RESOLUTION

AMENDING ACT NO. 81-294, S.J.R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S.J.R. 121, 1981 Regular Session, is hereby amended to read as follows:

“WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

“WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

“WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

“WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislature committee be established, consisting of the seven

members of the Senate and the seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. The committee is hereby authorized to employ a court reporter, legal counsel and bond counsel as may be necessary for the committee's work.

"The total expenses of the committee shall not exceed \$15,000.

"The committee shall report in writing its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session.

"BE IT FURTHER RESOLVED, That the committee meet with the leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-495

S.J.R. 182—Mr. White

SENATE JOINT RESOLUTION

DIRECTING STATE HIGHWAY DIRECTOR TO TAKE CERTAIN MEASURES TO RELIEVE DANGEROUS TRAFFIC CONDITIONS ON ALABAMA HIGHWAY 188, ET CETERA.

WHEREAS, The Alabama Legislature notes the dangerous and hazardous traffic conditions on Alabama Highway 188 at the intersec-

tion of Padgett Switch Road; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do direct the State Highway Director to take action forthwith to cause the installation of an appropriate traffic control signal light to relieve and minimize the dangerous and hazardous conditions on Alabama Highway 188 at the intersection of Padgett Switch Road.

RESOLVED FURTHER, That a copy of this resolution be sent forthwith to the Alabama State Highway Director.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-496

S.J.R. 183—Mr. Robertson

SENATE JOINT RESOLUTION

HONORING ALL MOTHERS DURING THE WEEK OF MAY 4-9, 1981.

WHEREAS, as often quoted, "the hand that rocks the cradle rules the world"; and

WHEREAS, throughout history this truism, though acknowledged, was never officially recognized until the advent of "Mother's Day"; and

WHEREAS, the love, care and concern of all mothers, their devotion and sacrifice are infinite in scope and to the degree that our love returned to them, and our gratitude, cannot be adequately expressed in an observance of just one day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the desire of this body is that the week of May 4 through 9, 1981, which befittingly ends with our National Mother's Day, be observed by all Alabamians in special honor and recognition of all mothers and in memory of those who are gone.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-497

S.J.R. 184—Mr. Keener

SENATE JOINT RESOLUTION

COMMENDING JUDGE JAMES B. WAID OF GADSDEN,
ETOWAH COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with regret the May 3, 1981, retirement of Judge James B. Waid of Gadsden, Alabama, as Presiding Judge of the 16th Judicial Circuit; and

WHEREAS, a native of Boaz, Judge Waid is a graduate of Snead State Junior College and of the University of Alabama School of Law; and

WHEREAS, he is a veteran of World War II, having served as a Captain in the United States Army Air Corps, and is also a former public school teacher in Arab, Alabama; and

WHEREAS, Judge Waid served for nine months as Assistant District Attorney for Etowah County, as the first full-time City Attorney for the City of Gadsden, and was engaged in the practice of law in Gadsden for 18 years prior to his Judgeship; and

WHEREAS, he was appointed Circuit Judge on July 18, 1966, and has since continuously served with distinction and, as Presiding Judge, since 1977; and

WHEREAS, in service to his community, Judge Waid, who is a member of the First United Methodist Church of Gadsden, is also a member and past chairman of the Salvation Army Advisory Board, a member and past president of the Gadsden Civitan Club and a past Governor of the Civitan Clubs of Alabama; he is the holder of the Civitan District Honor Key and, in 1977, was named Boss of the Year by the Gadsden Legal Secretaries Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend Judge James B. Waid of Gadsden, Alabama, on his extraordinary judicial career and warmly wish for him every future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Judge Waid that he may know of our gratitude for his service and of our highest regard.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-498

S.J.R. 189—Mr. Little

SENATE JOINT RESOLUTION

COMMENDING MISS RICA ELIZABETH SALMON OF AUBURN, ALABAMA, "MISS U. S. TEEN" FOR 1980.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates our own Miss Rica Elizabeth Salmon of Auburn, Alabama, who was crowned Miss U. S. Teen in August 1980, in Lake Charles, Louisiana; and

WHEREAS, Rica, who is the 20-year-old daughter of Mr. and Mrs. Charles R. Salmon, is a pre-med sophomore at Auburn University majoring in Psychology; she is a member and is in the choir of Lakeview Baptist Church, a member of Alpha Gamma Delta Sorority, Alpha Epsilon Delta pre-medical honorary and also is a Kappa Sigma Little Sister; and

WHEREAS, a lovely and talented young lady, Miss Salmon is the former 1979 Lee County Junior Miss, Alabama's 1980 Miss U. S. Teen and also, as the reigning Miss East Alabama, will participate in this year's Miss Alabama Pageant; and

WHEREAS, it is indeed an honor for our state to have a young lady of such charm and grace, as possessed by Miss Salmon, to serve as National Miss U. S. Teen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Rica Elizabeth Salmon of Auburn, Alabama,

BE IT FURTHER RESOLVED, That Miss Salmon receive a copy of this resolution that she may know of our warm best wishes for every future success and of our sincere pride in her accomplishments.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-499

S.J.R. 190—Mr. Martin

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. Whereas under the provisions of Act No. 80-443 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker, and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1980 Session and prior to the 1981 Session and submitted its report to the Legislature on the 30th day of April, 1981.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework and the impact and growth and urbanization on Alabama cities and towns and,

Whereas the current Session of the Legislature has adopted several bills recommended by the Committee and will no doubt adopt several additional pieces of suggested legislature which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the said Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and re-organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the effect on the functions of municipal government due to changes in intergovernmental relations among the Federal, State and municipal governments; recognizing that the Federal Government is in the process of altering or eliminating many grant programs.

2. An assessment of and recommendations on alternate forms of municipal government, including specifically manager-council forms of municipal government.

3. A review and revision of the Municipal Election Code; giving emphasis to know deficiencies of the existing statutes.

4. A review, with recommendations, as to how to improve the management capabilities of municipal officials and employees, all leading to more efficient administration in municipal government and wiser expenditure of public funds.

5. A comprehensive analysis of Alabama's municipal governmental systems compared with the same systems in the southeastern states.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1982 Regular Session of the Alabama Legislature and a final report to be submitted during the 1982 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed

in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-500

S.J.R. 191—Mr. Gullledge

SENATE JOINT RESOLUTION

CONGRATULATING VICTOR HUGO ALTAMIRANO UPON HIS SELECTION AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

WHEREAS, Victor Hugo Altamirano of Fairhope has been named by the United States Small Business Administration as Small Business Person of the Year for Alabama; and

WHEREAS, Victor H. Altamirano, a native Ecuador, South America, came to the United States in 1957; and

WHEREAS, as a civil engineer he worked in New York, Pensacola, Florida and Columbus, Mississippi before coming to Fairhope, Alabama; and

WHEREAS, in 1971, with little equipment and a small amount of capital, he founded his own company employing three laborers; and

WHEREAS, on January 31, 1973, his company was incorporated as Valta Construction Company, Inc., which company has continued to grow and presently employs fifteen full-time technicians; and

WHEREAS, Victor H. Altamirano has been a active community worker in the Baldwin County area; and

WHEREAS, he has built a baseball field for the youth of Fairhope, has helped organize a youth soccer league in Fairhope and Foley, and has coached the Fairhope soccer team; and

WHEREAS, Victor H. Altamirano is a member of the Fairhope Kiwanis Club, Optimist Club, Chamber of Commerce and the Presbyterian Church; and

WHEREAS, he will be honored at a White House reception during Small Business Week on May 13, 1981, with ceremonies in the Rose Garden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we offer our congratulations and best wishes to Victor H. Altamirano of Fairhope, Alabama, and our sincere hope that he will be named the National Small Business Person of the Year.

BE IT FURTHER RESOLVED, That Mr. Altamirano receive a copy of this resolution that he may know of our great pride and pleasure in his selection as Small Business Person of the Year for Alabama.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-501

S.J.R. 193—Messrs. deGraffenried, Bailey, Barron, Britnell, Callahan, Cook, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson St. John, Smith, Taylor, Teague, Vacca, Weeks, and White

MOURNING THE TRAGIC DEATH OF MRS. ROBBIE SUE DENTON, SISTER-IN-LAW OF OUR COLLEAGUE, SENATOR BOBBY DENTON.

WHEREAS, The Legislature has been deeply saddened to learn of the sudden and tragic death of Mrs. Robbie Sue Denton in a traffic accident last Friday, May 1; and

WHEREAS, Mrs. Denton, the wife of Charles Johnny Denton, was killed instantly in Tuscumbia, and her husband was seriously injured; and

WHEREAS, The death of Mrs. Denton leaves a void in the life of her family and many friends which will be impossible to fill; originally from Cherokee, Alabama, she left behind her loving family and a host of friends; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do profoundly mourn the death of Mrs. Robbie Sue Denton, and send our

deepest sympathy to her husband, Charles Johnny Denton, to our friend, Bobby Denton, and to her four children.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the above-mentioned members of her family, that we may share in their grief at their traumatic loss.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-502

S.J.R. 195—Mr. Gulledge

SENATE JOINT RESOLUTION

CONGRATULATING THE FRUITDALE HIGH SCHOOL
PIRATES BASEBALL TEAM AND COACH MIKE SAVAGE ON
THEIR DISTRICT AND REGIONAL CHAMPIONSHIP TITLES.

WHEREAS, on May 2, 1981, the Fruitdale Pirates Baseball team captured the Region I Championship title for Class 1-A schools by defeating Wicksburg for an outstanding season of 18 wins and three losses; and

WHEREAS, each member of this championship team is to be congratulated for his part in the Pirates' outstanding season and sweeping District I and Regional I titles, as is Coach Mike Savage for his leadership and dedication in developing the dexterity and physical stamina necessary and for instilling in his team a winning spirit, good sportmanship and those attributes so vital to a championship team and later community leadership; and

WHEREAS, Mike is no stranger to Fruitdale High School, having attended its grade school, and graduating from Livingston University, receiving his Master's Degree in Education, serving the Chatom National Guard Unit, a member of the Pi Kappa Phi Fraternity, he was employed by the Washington County School Board to teach at Fruitdale High School; and

WHEREAS, Mr. Mike Savage, the son of Mrs. Bea Savage, the grandson of long-time county commissioner, Mr. Ray Coaker, and the nephew of Mrs. Gene Quiggle, all of Fruitdale, has distinguished himself as a rare leader in all of his educational and career endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we most heartily

congratulate and commend the Fruitdale High School Pirates Baseball team and Coach Mike Savage on their District and Regional Class 1-A high school championship titles; we further direct that copies of this resolution be sent to each member of the team and to Coach Mike Savage, as an expression of our admiration and warm praise, and that a copy be sent for appropriate display in the school.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-503

S. 59—Mr. Vacca

AN ACT

Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1 (e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, are hereby amended to read as follows:

“§ 8-8-5. (a) Any person or persons, corporations, trust, general partnership or partnerships, limited partnership or partnerships, or association, may agree to pay such rate or rates of interest for the loan or forbearance of money and for any credit sales as such person, corporation, trust, general partnership, limited partnership or association, may determine, notwithstanding any law of this state otherwise prescribing or limiting such rate or rates of interest; provided, that the original principal balance of the loan or forbearance of money or credit sales is not less than \$5,000; provided further that all laws relating to unconscionability in consumer transactions including but not limited to the provisions of Section 5-19-1, Code of Alabama, 1975, known as the mini-code, shall apply to transactions covered by this act.

“(b) As to any such loan or forbearance of money or credit sales made in compliance with subsection (a) of this section, neither such person, corporation, trust, general partnership, limited partnership or association, nor their heirs, successors or assigns, nor any surety, guarantor, endorser or any other person, firm, partnership, associa-

tion, trust or corporation which may become liable, in whole or in part, for the payment of the debt and interest agreed to be paid thereon in accordance with the terms hereof, or any extension, amendment or renewal thereof, may raise or claim the defense or benefit of the usury laws or any other law prescribing, regulating or limiting such rate or rates of interest.

“(c) The term “original principal balance”, as used herein, shall include the total principal amount of indebtedness incurred or contracted for in a loan, forbearance of money, credit sales or in a single issue or sale of bonds, debentures, promissory notes or like transaction, without regard either to the face amount or denomination of any bond, debenture, note or other evidence of indebtedness constituting a part of such issue or sale, or to the amount of the initial or any subsequent advance pursuant to such loan, forbearance or credit sales. The term “interest” as used herein shall include all direct or indirect charges imposed as an incident to a loan, forbearance of money or credit sales.

“(d) This section shall apply to any person or entity, whether or not organized for profit, and to transactions both prior to and after default, but shall not apply to any agreement involving the loan or forbearance of money or credit sales where the original principal balance is less than \$5,000.

“(e) The provisions of this Act are cumulative to, and not in derogation of, rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980, as amended.

“(f) The provisions of this section as they affect loans of \$25,000.00 or less shall become null and void on July 1, 1987 and shall have no force and effect unless such provisions are continued by Act of the legislature.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws in conflict herewith, including, but not limited to, Section 8-8-3, Code of Alabama 1975, are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-504

S. 120—Mr. Callahan

AN ACT

To amend Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, to authorize any banking corporation organized under the laws of this state to reorganize with a national banking association, to define the circumstances under which such a reorganization may take place, to state the procedures necessary to accomplish such reorganization, to prescribe the rights and duties of parties to such reorganization to provide that this Act shall not be deemed to confer upon a resulting bank the right to establish additional branch banking offices which could not have been established by a bank which is a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, are hereby amended to read as follows:

“§ 5-7A-40. Any state bank may, with the consent of the holders of a majority in amount of its stock obtained at a meeting of the shareholders called therefor, be converted or merged into or consolidate with a national bank, in such manner as may, at the time of such conversion, merger or consolidation, be prescribed by the laws of the United States, and the stock of such state bank may be exchanged for stock in such national bank upon such terms as the consenting shareholders may, at the meeting at which the conversion, merger or consolidation is authorized, determine or upon such terms as the holders of a majority of the stock of such state bank may, at any other meeting called for such purpose, determine. All proceedings relating to such a conversion, merger or consolidation shall be conducted in accordance with the requirements of the Alabama Business Corporation Act, except that if any provision thereof shall conflict with or be more restrictive than the requirements set forth at 12 U.S.C. § 214a then the procedures set forth in such § 214a shall govern.”

“§ 5-7A-41. All meetings of shareholders, called for any of the purposes provided for in § 5-7A-40, shall be called by resolution of the board of directors. Notice of such meeting and of the purposes thereof shall be published once a week for four consecutive weeks prior to the date of such meeting in some newspaper with a general circulation in the city, town or village in which the principal place of business of said state bank is located; provided, that newspaper publication

may be dispensed with entirely if waived by all the shareholders, and in the case of a merger or consolidation, one publication at least ten days before the meeting shall be sufficient if publication for four weeks is waived by holders of at least two-thirds of each class of capital stock. The state bank shall send such notice to each shareholder of record by registered mail or by certified mail at least ten days prior to the meeting, which notice may be waived specifically by any shareholder."

"§ 5-7A-42. At the time when such conversion of or consolidation or merger by the state bank with a national bank, under the charter of the latter, becomes effective, all the property of the state bank including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the national bank, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the state bank."

"§ 5-7A-43. Upon such conversion, merger or consolidation becoming effective, the national bank shall be deemed to be a continuation of the entity and of the identity of the state bank and all the rights, obligations and relation of the state bank to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function shall remain unimpaired. The national bank, as of the time of the taking effect of such conversion, merger or consolidation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if the national bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the state bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and in said national bank from and as of the time of the taking effect of such conversion, merger or consolidation, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the conversion to or merger or consolidation of a state bank with a national bank, shall, in respect to any such executorship, trusteeship

or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act."

Section 2. The rights of shareholders of a national bank dissenting from the conversion, merger or consolidation of the bank shall be governed exclusively by the applicable laws of Congress. A shareholder of a state bank who votes against the conversion, merger or consolidation of that state bank with or to a national bank, or who has given notice in writing to the bank at or prior to such meeting that he dissents from the conversion, merger or consolidation shall be entitled to receive in cash the value of the shares held by him, if and when the conversion, merger or consolidation is consummated, upon written request made to the resulting national bank at any time before 30 days after the date of consummation of such conversion, merger or consolidation, accompanied by the surrender of his stock certificates. The value of such shares shall be determined as of the date on which the shareholders meeting was held authorizing the conversion, merger or consolidation by a committee of three (3) persons, one to be selected by unanimous vote of the dissenting shareholders entitled to receive the value of their shares, one by the directors of the resulting national bank and the third by the two so chosen. The valuation agreed upon by any two of three appraisers thus chosen shall govern; but, if the value so fixed shall not be satisfactory to any dissenting shareholder who has requested payment as provided herein, such shareholder may within five days after being notified of the appraised value of his shares appeal to the superintendent, who shall cause a reappraisal to be made, which shall be final and binding as to the value of the shares of the appellant. If, within 90 days from the date of consummation of the conversion, merger or consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the superintendent shall upon written request of any interested party, cause an appraisal to be made, which shall be final and binding on all parties. The expenses of the superintendent in making the reappraisal, or the appraisal as the case may be, shall be paid by the resulting national bank. The plan of conversion, merger or consolidation, shall provide the manner of disposing of the shares of the resulting national bank not taken by the dissenting shareholders of the state bank.

Section 3. (a) Any resulting bank, whether a national bank

or a state bank, may, regardless of the county of location of the principal office of such bank at the time of or subsequent to a reorganization:

(1) Continue to maintain and operate all banking offices maintained and operated at the time of such reorganization by any bank a party thereto; and

(2) subject to the limitations set out in subsection (b) of this Section, and with the approval of the appropriate bank regulatory authority, thereafter establish and operate additional banking offices in any county in this state in which a banking office is maintained by a party to such reorganization at the time thereof.

This Act shall not be deemed to confer upon a resulting bank the right to establish any additional banking offices which could not have been established by a bank which was a party thereto, had such reorganization not occurred.

(b) Commencing with the effective date of a reorganization no resulting bank shall:

(1) For a period of two years from such effective date establish any branch banking offices in any county where a bank which became a reorganized bank in that particular reorganization maintained an office prior to the reorganization; and

(2) From the second anniversary of the effective date of such reorganization and running through the fifth anniversary thereof, establish more than one branch banking office per year in each such county where said reorganized bank maintained a banking office on the effective date thereof, after which the number of additional branch banking offices which may be established by the resulting bank shall not be limited by this subsection (b).

(c) The provisions of subsection (b) of this Section shall not restrict the opening of additional branch banking offices in the county wherein is located the principal office of the resulting bank.

(d) No bank (other than a bank organized solely to facilitate the acquisition of another bank) shall reorganize with another bank in this state for a period of five years from the effective date of the opening of such bank. No de novo bank shall reorganize with any other bank owned by a bank holding company within three years from the effective date of the reorganization of any other de novo bank of such bank holding company with any other bank owned by such holding company.

Section 4. Definitions. As used in Section 3 of this Act, the following terms have the following respective meanings:

(a) "Reorganization" shall mean a merger or consolidation;

(b) "Reorganized bank" shall mean that bank, a party to the reorganization, which is designated the "reorganized bank" for the purposes of this Act in a writing delivered by the resulting bank to the superintendent. The term shall not include any resulting bank.

(c) "Resulting bank" shall mean the bank resulting from or surviving a reorganization or, that bank designated the "resulting bank" for the purposes of this Act in a writing delivered by the resulting bank to the superintendent.

(d) "De novo bank" shall mean a bank the initial charter of which is approved after the effective date of this Act, more than 25% of the voting stock of which is owned upon organization by a bank holding company and which is not organized to facilitate the acquisition of another bank.

Section 5. Except to the extent necessary to give effect to Section 3(a) of this Act, no general or local law or general law of local application shall be deemed to have been modified or repealed by this Act, and nothing contained herein shall be deemed in any way to change or repeal the provisions of Sections 5-2-9 or 5-5-20 of Act No. 80-658 of the 1980 Legislature of Alabama.

Section 6. The provisions of this Act are severable. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 7. This Act shall be effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-505

S. 95—Messrs. Little, Parsons, Barron,
Proctor, Britnell, McDonald,
Smith, Vacca, Bailey,
Higginbotham, Mitchem, Hall,
Miller, Robertson and Harrison

To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established an employee suggestion award program for employees of state government. Under this program cash or honorary awards may be made to state employees whose adopted suggestions will result in substantial savings or improvement in state operations.

Section 2. There is hereby established an employee suggestion award board which shall be composed of the finance director, the budget officer, the state personnel director, the director of the legislative fiscal office, the chairman of the senate finance and taxation committee, the chairman of the house ways and means committee, one member of the house of representatives to be appointed by the speaker of said house and one member of the senate to be appointed by the lieutenant governor.

Section 3. It shall be the duty of the board to adopt rules governing its proceedings, to elect a chairman and secretary, to keep permanent and accurate records of its proceedings, to establish criteria for making awards, to adopt rules and regulations to carry out the provisions of this Act, including the power to exclude certain classifications of employees from this Act, and to approve each award made.

Section 4. The maximum cash award approved shall be limited to ten percent (10%) of the first year's estimated savings, or two thousand dollars (\$2,000), whichever is less. Any cash awards approved by the board shall be charged against the appropriation item or items to which estimated savings apply.

Section 5. No elected official or department head shall be eligible to be considered as a recipient under this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-506

S. 163—Mr. McDonald

AN ACT

To delete the requirement that physicians be certified in the subspecialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

Be It Enacted by the Legislature of Alabama:

Section 1.

That section 7 of Act Number 79-472, Acts 1979, page 870 be amended to read as follows:

Only physicians in the practice of medicine as prescribed in section 6 of this act, and specifically certified by the state board of medical examiners to dispense cannabis under the provisions of this act, shall be practitioners hereunder. Each practitioner shall make application for recertification every three years.

Section 2.

That section 8 of Act Number 79-472, Acts 1979, page 870 be amended to read as follows:

The state board of medical examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis pursuant to the regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration and the Drug Enforcement Administration. The board may formulate and promulgate such guidelines as are necessary for dispensing cannabis consistent with the public health and safety and under strictly controlled circumstances. The board further may establish the rules and regulations requiring accurate reporting and accountability by each practitioner to the board and any federal agency as required by law.

Section 3.

Severability. The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not effect any portion of this act not in itself unconstitutional or invalid.

Section 4.

Repeal. All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict hereby repealed.

Section 5.

Effective date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-507

S. 402—Mr. Callahan

AN ACT

Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge shall not receive for record or permit the recording of an instrument in which the title to real property, or of any interest therein, or lein thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, unless such an instrument has endorsed on it, printed, typewritten or stamped thereon, the Grantee's name and latest complete address.

Section 2. The Probate Judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties by this Act if committed in good faith.

Section 3. This requirement imposed by Section 1 above shall be construed to be in addition to and supplemental to any other laws relating to the recording of any vesting instruments, conveying title or any interest to real property.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-508

S. 403—Mr. Callahan

AN ACT

To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Mobile County is hereby authorized to set the salaries of all appointed (non-merit system) personnel employed in the Tax Assessor's Office of Mobile County in the following manner.

The range for the position presently known as Chief Clerk to the Tax Assessor shall be:

Step 1	\$1824 per month
Step 2	\$1916 per month
Step 3	\$2011 per month
Step 4	\$2112 per month
Step 5	\$2218 per month
Step 6	\$2328 per month
Step 7	\$2445 per month

Step 1 shall become effective on the next anniversary date of the person holding the position of Chief Clerk to the Tax Assessor of Mobile County, when accompanied by written notice and recommendation of the Tax Assessor. The Tax Assessor of Mobile County is hereby required to follow the numerical sequence of one, two, three, four, five, six and seven. The Tax Assessor shall not deviate from this numerical sequence in his recommendation for salary increases regarding the position of Chief Clerk to the Tax Assessor.

The range for the position presently known as Executive Secretary to the Tax Assessor shall be:

Step 1	\$1066 per month
Step 2	\$1120 per month
Step 3	\$1176 per month
Step 4	\$1235 per month
Step 5	\$1297 per month
Step 6	\$1361 per month
Step 7	\$1429 per month

Step 1 shall become effective on the next anniversary date of the person holding the position of Executive Secretary to the Tax Assessor of Mobile County, when accompanied by written notice and recommendation of the Tax Assessor. Should either the position of Chief Clerk to the Tax Assessor or Executive Secretary to the Tax Assessor be vacant at passage of this bill or become vacant subsequent to passage of this bill, the newly appointed Chief Clerk to the Tax Assessor or Executive Secretary to the Tax Assessor shall receive a salary which is recommended by the Tax Assessor to the budgeting authority, however, in no case shall such recommendation exceed that

amount listed in Step 1 of the schedule relating to the positions of Chief Clerk to the Tax Assessor and Executive Secretary to the Tax Assessor. The Tax Assessor of Mobile County is hereby required to follow the numerical sequence of one, two, three, four, five, six and seven. The Tax Assessor shall not deviate from this numerical sequence in his recommendation for salary increases regarding the position of Executive Secretary to the Tax Assessor.

Section 2. When an across the board cost of living increase is granted to merit system employees of Mobile County, the positions of Chief Clerk to the Tax Assessor of Mobile County and Executive Secretary to the Tax Assessor of Mobile County shall be automatically granted such increases. The steps listed above for Chief Clerk and Executive Secretary to the Tax Assessor of Mobile County shall be adjusted when cost of living increases are granted in the same manner as merit system salary ranges are adjusted by the Mobile County Personnel Board.

Section 3. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-509

S. 509—Mr. Hall

AN ACT

Relating to Blount County; providing for the method of electing the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Blount County superintendent of education shall be elected by only those qualified electors residing in the jurisdiction of the Blount County school district.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-510

S. 572—Mr. McDonald

AN ACT

To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Limestone County, a special recording fee of \$1.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office, in the discretion of the governing body of the county, and on and after such date no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the judge of probate, at his discretion, for the improvement of the equipment and operations in the records room and for the salaries of any records personnel.

Section 2. At the end of the first fiscal year after the enactment of this the chairman of the county commission, the state senator, and the judge of probate shall review the expenditure of such special recording fees and if a surplus exists such amount shall be deposited into the county general fund.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-511

S. 589—Mr. Mitchem

AN ACT

Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of equalization of the county an increase in salary of \$10.00 per day.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members of the board of equalization actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-512

S. 590—Mr. Mitchem

AN ACT

Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the jury commission of the county an increase in salary in the amount of \$10.00 per day.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members of the jury commission actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-513

S. 602—Messrs. Higginbotham and Little

AN ACT

Relating to Lee County; providing an expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Lee County shall be entitled to an expense allowance consisting of an annual allowance of \$5,200, payable in equal monthly installments; and an allowance of \$7.50 per case, payable monthly. Such expense allowance shall be paid from the county general fund and shall be paid in lieu of any expense allowance heretofore provided by law for the coroner of Lee County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-514

S. 640—Mr. Martin

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of the City of Decatur all of

the following additional adjacent territory situated in Morgan County, Alabama, to-wit:

Real estate situated within the NW¼ of Section 13, Township 5 South, Range 5 West, Morgan County, Alabama, recorded in the Morgan County Probate Office in Book 650, at Page 418, and more specifically and integrally described as beginning at the northwest corner of Section 13, (Alabama State Grid Coordinates (Y=1,680,665.37, X=645,488.89), Township 5 South, Range 5 West, Morgan County, Alabama and run thence S 01°46'00"W (Alabama State Coordinate System-Grid Bearing) along the west boundary of Section 13, a distance of 2,656.40 feet to a point; thence S 88°14'00"E a distance of 2,719.84 feet, more or less, to a point on the old city limits line; thence N 0°14' W along the old city limits line a distance of 625.62 feet to US-TVA Monument No. 5 and the true point of beginning of the tract herein described; thence from the true point of beginning continue N 0°14' W along the old city limits line a distance of 977 feet to US-TVA Monument No. 6 on the south right of way margin of Southern Railroad; thence leaving the old city limits line and run S 78°17'22"W along the south right of way margin of Southern Railroad a distance of 729.18 feet to US-TVA Monument No. 3; thence S 2°04'W a distance of 804 feet to US-TVA Monument No. 4; thence S 88°06'E a distance of 739 feet, more or less, to the true point of beginning, and containing 14.8 acres, more or less.

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-515

S. 652—Mr. Little

AN ACT

Relating to Tallapoosa County; to amend further Section 2 of Act No. 83, H. 427, Regular Session of 1957 (Acts 1957, p. 124), so as to provide further for the office and travel expenses of the coroner; and to provide for retroactive effect.

WHEREAS, on February 9, 1981, the County Commission of Tallapoosa County unanimously adopted a resolution stating in part that certain payments made to certain county officials and employees are inequitable when viewed in the light of current economic conditions; and

WHEREAS, in the same resolution, the County Commission petitioned the legislative delegation of the county to introduce legislation increasing the monthly expense allowance of the coroner; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 83, H. 427, Regular Session 1957 (Acts 1957, p. 124), is hereby further amended to read as follows:

“Section 2. The compensation herein provided for the coroner of Tallapoosa County shall be in lieu of all fees, commissions, and percentages prescribed by law for the performance of the duties of his office. In addition to the compensation of the coroner as provided in Section 1, he shall be allowed the sum of \$170.00 a month payable from the county treasury for office and travel expenses. Any fees, commissions, percentages, or allowances not payable by the county which would be collectible for the use of the coroner but for the provisions of this Act shall be paid into the general fund of the county.”

Section 2. The operation of this Act shall be retroactive to October 1, 1978, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-516

S. 660—Mr. Figures

AN ACT

To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 155, H. 654, Regular Session 1969 (Acts 1969 p. 430) is hereby amended to read as follows:

“An Act to provide that the Governing Body of any city or town in any county in the State of Alabama, having a population, according

to the last or any future Federal Census, in excess of 300,000 inhabitants and less than 600,000 inhabitants may by resolution or ordinance, create one or more positions of Assistant City Attorney on a full-time basis, and designate such position or positions to be that of the Senior Assistant City Attorney, Principal Assistant City Attorney, of Full Time Assistant City Attorneys, or other such appropriate title; and may provide by the same resolution or ordinance that any person or persons presently holding such position or positions in the municipal government on a full-time basis shall be immediately placed upon the employment roster of any county-wide Civil Service or merit system of such county, without examination and without any decrease in the salary of such person or persons, and such position or positions shall thereafter remain under the provisions of any such county-wide civil service or merit system."

Section 2. Section 1 of said Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) is hereby amended to read as follows:

"The governing body of any city or town in any county in the State of Alabama having, according to the last or any future Federal Census, a population in excess of 300,000 inhabitants and less than 600,000 inhabitants may, notwithstanding the provisions of any other statute of Alabama, in its sole discretion, by the adoption of a resolution or ordinance, provide for the creation of the position or positions of Assistant City Attorney, under the title of Senior Assistant City Attorney, Principal Assistant City Attorney, Full Time Assistant City Attorney, Assistant City Attorney or other such appropriate title, on a full-time basis. Such ordinances or resolution may provide that any person or persons holding any full-time Assistant City Attorney position or positions shall be placed on the employment roster of any Civil Service or merit system in said county, without examination, and without any decrease in salary and such position or positions shall thereafter remain subject to the statutes and rules and regulations of any such Civil Service or merit system in said county."

Section 3. All laws or parts of laws, general or local, in conflict with this Act are hereby repealed to the extent of such conflict.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-517

S. 113—Mr. McDonald

AN ACT

To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed forty (40) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Be It Enacted by the Legislature of Alabama:

Section 1. Any annually appropriated funds allocated to local boards of education, except those state appropriated funds specified by law to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed forty (40) percent of the amount appropriated for each line item. Such limitation shall not apply during years in which proration is declared, as provided in Act No. 763 of the Alabama legislature, 1979 Regular Session.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-518

S. 288—Mr. Barron

AN ACT

To provide that fees may be charged and collected from time to time for the privilege of obtaining or using a credit card, or other open end credit plan, that entitles the user (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to prescribe certain restrictions on fees on credit cards; to provide that the provisions of this act are cumulative and are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Fees, not to exceed \$15.00 per annum, may be charged and collected from time to time for the privilege of obtaining

or using a credit card, or other open end credit plan, that entitles the user (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both. Such fees shall not constitute finance charges or interest for any purpose.

Fees shall not be collected hereunder on any credit card pursuant to which interest is charged prior to the expiration of 15 days from the billing date on the customers periodic statement except in connection with cash loans or advances or where the balance on the previous statement was not paid in full.

Section 2. The provisions of this act are cumulative and are not in derogation of other rights. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-519

S. 577—Mr. Teague

AN ACT

Relating to Talladega County; repealing Act No. 79-593, H. 949, 1979 Regular Session (Acts 1979, p. 1055), which provides for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 79-593, H. 949, 1979 Regular Session (Acts 1979, p. 1055) is hereby repealed.

Section 2. The operation of this act shall be retroactive to October 1, 1980.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-520

S. 634—Messrs. Little and Higginbotham

AN ACT

Relating to Chambers County; providing for the compensation of the deputy district attorney; providing for an effective date; and repealing Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, the annual salary of the deputy district attorney shall be ten thousand eight hundred dollars (\$10,800) and shall be payable in equal monthly installments from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed and specifically Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053), as amended, is repealed.

Section 3. This Act shall become effective October 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-521

S. 636—Mr. Mitchem

AN ACT

Relating to Marshall County, to amend Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), so as to provide that the board of education may set the superintendent of education expense allowance; to repeal certain acts in conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), are hereby amended to read as follows:

“An Act Relating to Marshall County, granting the county board of education the discretionary power to set the salary and expense allowance of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county, and giving this act retroactive effect.

“Be It Enacted by the Legislature of Alabama:

"Section 1. The board of education of Marshall County is hereby authorized to determine, at its discretion, the rate of salary and expense allowance payable to its county superintendent of education. Any change in the rate of salary and expense allowance shall have retroactive effect beginning July 1, 1975, and thereafter upon the expiration of the term of office of successors to the superintendent of education of Marshall County. The board of education shall not reduce the compensation of the county superintendent during his term of office. Any salary increases shall be payable from the county public school funds in equal monthly installments."

Section 2. Act 122, S. 35, Special Session 1967 (Acts 1967, p. 175) and Act 989, S. 1225, Regular Session 1975 (Acts 1975, p. 2017) are hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-522

S. 651—Mr. Little

AN ACT

Relating to Tallapoosa County; increasing the salaries of deputies to the sheriff.

WHEREAS, on February 9, 1981, the county commission of Tallapoosa County unanimously adopted a resolution stating in part that certain payments made to certain county officials and employees are inequitable when viewed in the light of current economic conditions; and

WHEREAS, in the same resolution, the county commission petitioned the legislative delegation of the county to introduce legislation increasing the salaries of the chief deputy sheriff and full-time deputies sheriff; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, the chief deputy sheriff shall receive a salary of \$1,100.00 per month and all full-time deputies shall receive a salary of \$1,000.00 per month. All such salaries shall be paid by the county commission employing such deputies in the same manner and out of the same fund as now provided by law.

Section 2. The provisions of this Act are curative and remedial and all actions taken or payments made prior to the effective date of this Act are hereby ratified and confirmed.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-523

S. 653—Mr. McDonald

AN ACT

Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session (Acts 1979, p. 914), which provides for distribution of T.V.A. payments, so as to provide further for said payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 79-501, S. 620, 1979 Regular Session (Acts 1979, p. 914), is amended to read as follows:

“Section 1. Upon receipt by Limestone County of funds pursuant to Title 40, Chapter 28 of the Code of Alabama 1975 (Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, page 1787), as amended, Limestone County will, within a reasonable time thereafter, distribute said funds so received as follows:

“(a) Through September 30, 1981, all such funds shall be distributed as prescribed by Act No. 79-501, S. 620 of the 1979 Regular Session (Acts 1979, p. 914);

“(b) Effective October 1, 1981, and thereafter, the said funds shall be distributed as follows:

“Limestone County General Fund 25.00%

“Limestone County Public Building Fund 10%

“Athens-Limestone Hospital Association 8%

“County-Wide School Fund 20.50%

“School-District I 9.00%

“School District III 6.00%

“City of Athens 20.00%

"City of Ardmore 1.00%

"City of Elkmont .38%

"City of Mooresville .06%

"City of Lester .06%

"(c) Provided, however, effective October 1, 1982, the allocations shall be the same as provided in subsection (b), except Athens-Limestone Hospital Association shall receive 7.00% and the County-Wide School Fund shall receive 21.50%; effective October 1, 1983, the allocations shall be the same as provided in subsection (b), except Athens-Limestone Hospital Association shall receive 6.00% and the County-Wide School Fund shall receive 22.50%; and effective October 1, 1984, and thereafter, the allocations shall be the same as provided in subsection (b), except Athens-Limestone Hospital Association shall receive 5.00% and the County-Wide School Fund shall receive 23.50%.

"Section 2. The foregoing schedule of distribution shall apply to all funds received by Limestone County pursuant to said Act of 1978 Alabama Legislature."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-524

S. 655—Mr. Little

AN ACT

Relating to Tallapoosa County; amending Act No. 147, H. 163, 1969 Regular Session (Acts 1969, p. 210), which provides for the imposition of a privilege license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages in the county, so as to provide further for the administration of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 147, H. 163, 1969 Regular Session (Acts

1969, p. 210), is hereby amended to read as follows:

"Section 1. A county privilege license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in Tallapoosa County. The tax shall be an amount equal to two cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, used, consumed, distributed, stored, or withdrawn from storage in the county. The tax shall be in addition to all other taxes heretofore or hereafter levied or imposed; provided, that where the amount of the tax imposed by this Act shall have been paid to the county by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

"Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the county board of education who shall be solely responsible for the administration of this Act. Said board shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and may provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this Act. The county board of education shall be authorized to employ such personnel and inspectors to assist in the administration and enforcement of this Act as may be deemed necessary.

"Section 3. Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after effective date of this Act, and on or before the 15th day of each calendar month thereafter, file with the county board of education a written statement sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt of procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold,

distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

“Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

“Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the county governing body and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this Act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this state.

“Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the county board of education thirty days' notice in writing of his intent to destroy or dispose of such records. The county board of education or its duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

“(b) Upon demand by the county board of education or its authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this Act to furnish, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank state-

ments. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

“(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due, and the required information as to sales in the several tax areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the county board of education to ascertain from such information and data as it may reasonably obtain the correct amount of license tax due and such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

“(d) The tax shall be paid by each distributor or seller when he makes his report as required in Section 3.

“Section 6. (a) It shall be the duty of the county board of education to prepare such forms as may be necessary for use by seller and distributors of malt or brewed beverages in complying with the provisions of this Act, and to furnish the same such distributors or sellers as they may be required.

“(b) It shall be the duty of the county board of education to enforce the provisions of this Act, and to that end its duly appointed agent is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

“Section 7. Collection of the tax may be accomplished in this fashion:

“The county board of education may procure decals or other

devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the tax levied by this Act, and may procure such forms and other printed matter and materials as may be necessary in the administration of this Act. Decals or other devices may be furnished to each seller or distributor of malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures, less a ten percent (10%) discount; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

“Section 8. The proceeds of the tax, less the cost and expense of collection, shall be paid over to the custodian of public school funds of Tallapoosa County and shall be used and expended for public school purposes. Such funds shall be apportioned among the county and city school systems on the basis of the current ratio distribution formula used in apportionment of minimum program funds within the county.

“Section 9. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the county board of education shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

“Section 10. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations promulgated by the county board of education shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

“Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

“Section 12. The provisions of this Act are cumulative.

“Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-525

S. 656—Messrs. Taylor and Goodwin

AN ACT

To amend Section 1 of Act No. 333, H. 234 Special Session 1966, (Acts 1966, p. 476) which relates to expense allowances of the chairman and members of the county board of equalization of Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 333, H. 234, Special Session 1966, (Acts 1966, p. 476) is hereby amended to read as follows:

“Section 1. The chairman and members of the county board of equalization of Autauga County shall each be entitled up to twenty-five dollars a day for expenses for each day the board is in session as provided by law, the exact amount to be established by the county commission. The expense allowances herein provided for shall be payable from the general fund of Autauga County upon presentation of claims therefor.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-526

S. 657—Mr. Teague

AN ACT

Relating to St. Clair County; providing further for court costs for all criminal and civil cases filed in circuit or district court; providing that the proceeds of such costs be used for the construction, maintenance and operation of the county jails; and providing for a referendum election as a prerequisite to the effectiveness of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other court costs now assessed for

any purpose, in all cases, civil and criminal, that are filed in the district and circuit courts of St. Clair County, Alabama, there shall be assessed court costs in the amount of three dollars (\$3.00) for each criminal and civil case filed.

Section 2. The monies collected from said filing fee shall be paid by the clerk of the district and circuit courts of St. Clair County into the general fund of the St. Clair county commission.

Section 3. The St. Clair county commission shall use the total of said funds for the construction, maintenance and operation expenditures of the county jails in St. Clair County.

Section 4. It is not the purpose of this Act to limit the expenditures for the construction, maintenance and operation of the county jails to the monies collected pursuant to the provisions of this Act but rather to increase the available funds for said purpose.

Section 5. All laws in conflict with the provisions of this Act are hereby repealed.

Section 6. Should any section, clause or part of this Act be declared invalid, it shall not affect any other part thereof.

Section 7. This Act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of St. Clair County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next primary or general election of state or county officers, or any election of any amendment to the Constitution, next following final passage of this Act. Notice of the election shall be given by the judge of probate of St. Clair County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law passed at the 1981 Regular Session of the Legislature which imposes an additional court cost in civil and criminal actions in circuit and district court, the proceeds of which shall be used for building and maintenance of county jails? Yes ()
No ().”

If a majority of the voters cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the Act shall have no legal effect. The judge of probate shall certify the results of the election to the Secretary of State.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-527

S.J.R. 194—Mr. Holmes

SENATE JOINT RESOLUTION

URGING ALL ALABAMIANS TO RECOGNIZE OUR VIET NAM VETERANS DURING THE WEEK OF MAY 25-31, 1981.

WHEREAS, our nation owes a special debt of gratitude to Viet Nam veterans, whose dedication, unselfish courage and special sacrifice on behalf of our country and national defense have never been properly or fully recognized; and

WHEREAS, no fitting observance, commemoration or special outpouring of affection has been shown toward the nearly three million sons and daughters of our country who selflessly and unhesitatingly served to defend it; and

WHEREAS, the occasion of Memorial Day not only presents a time to remember valiant Americans of all wars who gave their lives in defense of our country, but also an opportunity to demonstrate grateful appreciation by the citizens of this great state and all who join us in recognizing an unheralded group of Americans to whom our nation is indebted; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage business, church, civic and media organizations of the State of Alabama to unite and use every available opportunity, forum and agenda to recognize Viet Nam-era veterans during the week of May 25-31, 1981, in the following suggested ways, as appropriate to their circumstances:

Encourage all citizens to fly the American Flag at homes and businesses during the observance;

Encourage the American Flag to be flown at half staff by all citizens, businesses and organizations in the State of Alabama on Memorial Day, May 25, in honor of those of our sons and daughters who made the ultimate sacrifice;

Encourage religious congregations to recognize the contributions of our gallant Americans, especially veterans in their membership, as part of their spiritual worship and fellowship during the observance.

Encourage businesses to consider any appropriate expressions which recognize the special contributions of veterans and the plight some veterans face in securing jobs and skill training; and

Encourage the media to publicize the patriotism and willingness of veterans to defend our nation's democratic principles, and their contributions to the social, civic and economic fabric of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the municipal governing body of the City of Anniston and to the members of the Calhoun County Legislative delegation in appreciation for inspiring this appropriate observance.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-528

S.J.R. 197—Mr. Gullledge

SENATE JOINT RESOLUTION

COMMENDING JOHN HOPF OF FAIRHOPE HIGH SCHOOL FOR BEING NAMED REGION II SCHOLAR-ATHLETE.

WHEREAS, John Hopf of Fairhope High School in Baldwin County has been selected Region II, 4-A Scholar-Athlete by the Alabama Chapter of the National Football Foundation and Hall of Fame, Inc.; and

WHEREAS, Mr. Hopf, the son of Mr. and Mrs. Marvin Hopf, will join Scholar-Athletes from other areas of the state for a banquet in Birmingham next Wednesday, at which a statewide Scholar-Athlete will be named at the banquet; and

WHEREAS, Mr. Hopf is president of the Fairhope Key Club and a member of the National Honor Society, the Fellowship of Christian Athletes and the F Club; and Fellowship of Christian Athletes and the F Club; and

WHEREAS, the recent compliment of John's school principal, Mr. Grady Patrick is representative of the feelings the Fairhope Community holds for John; Grady Patrick said, "He's a good, all-around person, and we're very proud of him"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate John and wish him well in the statewide athletic considerations.

RESOLVED FURTHER, That a copy of this resolution be sent

to John Hopf as a token of our esteem.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-529

S.J.R. 199—Mr. Kirkland

SENATE JOINT RESOLUTION

HONORING HENRY C. JACK BRADLEY UPON HIS BEING NAMED A LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS, Deputy Henry C. Jack Bradley has recently been named as a "Law Enforcement Officer of the Year" by the American Legion Auxiliary of Claude McCall Unit No. 79; and

WHEREAS, Deputy Bradley began working as a jailer in 1969 and worked as a jailer deputy until 1978; and

WHEREAS, Deputy Bradley has served as a chief deputy since 1978 and has been an outstanding leader in the field of law enforcement throughout his career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Deputy Henry C. Jack Bradley upon his being named a "Law Enforcement Officer of the Year."

BE IT FURTHER RESOLVED, That Mr. Bradley received a copy of this resolution in token of our appreciation.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-530

S.J.R. 200—Mr. Kirkland

SENATE JOINT RESOLUTION

HONORING SERGEANT GROVER WILLIAM SMITH UPON HIS BEING NAMED A LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS, Sergeant Grover William Smith has recently been named as a "Law Enforcement Officer of the Year" by the American Legion Auxiliary of Claude McCall Unit No. 79; and

WHEREAS, Sergeant Smith has served as a police officer with the Flomaton Police Department and the East Brewton Police Department, and has served the last four years with the Brewton Police Department; and

WHEREAS, Sergeant Smith has had extensive law enforcement training through many educational facilities; and

WHEREAS, Sergeant Smith has made speeches to a number of civic organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Sergeant Grover William Smith upon his being named a "Law Enforcement Officer of the Year."

BE IT FURTHER RESOLVED, That Sergeant Smith receive a copy of this resolution in token of our appreciation.

Approved May 17, 1981

Time 2:00 P.M.

Act No. 81-531

S.J.R. 201—Mr. Kirkland

SENATE JOINT RESOLUTION

HONORING LIEUTENANT CHARLES M. ADKINS UPON HIS BEING NAMED THE EAST BREWTON POLICE OFFICER OF THE YEAR.

WHEREAS, Lieutenant Charles M. Adkins of the East Brewton Police Department has recently been named as a "Law Enforcement Officer of the Year" by the American Legion Auxiliary of Claude McCall Unit No. 79; and

WHEREAS, Lieutenant Adkins has retired from the Navy and has been with the East Brewton force for one and one-half years; and

WHEREAS, Lieutenant Adkins ranked first in his graduating class in the Southwestern Alabama Police Academy at Bay Minette; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Lieutenant Charles M. Adkins upon his being named the "East Brewton Police Officer of the Year."

BE IT FURTHER RESOLVED, That Lieutenant Adkins receive

a copy of this resolution in token of our appreciation.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-532

S.J.R. 202—Mr. Kirkland

SENATE JOINT RESOLUTION

NAMING THE LAKE ON THE CAMPUS OF JEFFERSON
DAVIS JUNIOR COLLEGE "THE PETER T. GUNN LAKE."

WHEREAS, Mr. Peter T. Gunn of Huntsville, Alabama, was a prominent member of his community who devoted much of his time and efforts to programs of benefit to his fellow citizens; and

WHEREAS, born in Winchester, Tennessee in 1892, Mr. Gunn distinguished himself in the lumber business; and

WHEREAS, he was a devoted husband and father to his wife, Lucy, and to his children, Nell and Peter, Jr.; and

WHEREAS, Mr. Gunn passed away in 1978 and always will be remembered by those who knew him; and

WHEREAS, Mr. Gunn's grandson, Dr. David Gunn, prominent Brewton physician, in memory of his grandfather, donated the funds necessary for the construction of the lake on Jefferson Davis Campus; and therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That we hereby name
and designate the lake on the campus of Jefferson Davis Junior College "The Peter T. Gunn Lake."

BE IT FURTHER RESOLVED, That a copy of this resolution
be sent to Dr. David Gunn as a memento of this honorary designation
in the memory of his grandfather.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-533

S.J.R. 203—Mr. Kirkland

SENATE JOINT RESOLUTION

**COMMENDING JOHN CLINTON MOSLEY UPON HIS
RETIREMENT AS PRESIDENT OF RICHMOND P. HOBSON
STATE TECHNICAL COLLEGE.**

WHEREAS, John Clinton Mosley's retirement as President of Richmond P. Hobson State Technical College, effective June 30, 1981, ends an outstanding career in education which has spanned more than forty-two years; and

WHEREAS, in its desire to recognize outstanding service to others by our citizens, the Legislature has noted the many contributions of Mr. Mosley in the field of education to his community and other areas of our state as well; and

WHEREAS, Mr. Mosley coached at Thomaston High School for eight years and was principal there for eighteen years; and

WHEREAS, Mr. Mosley has served as the President of Richmond P. Hobson State Technical College in Thomasville since the school opened in 1965; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we commend Mr. John Clinton Mosley for his outstanding service to education in this state and wish him every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Mosley received a copy of this resolution in token of our appreciation.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-534

S.J.R. 204—Mr. Kirkland

SENATE JOINT RESOLUTION

DESIGNATING THE SWIMMING POOL AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "A. E. (BILL) KELLY POOL."

WHEREAS, Mr. A. E. (Bill) Kelly of Brewton, Alabama, was a devoted community builder who was ever ready to contribute to the progress and betterment of his hometown, state and county; and

WHEREAS, Mr. Kelly gave generously of his time, contributing immeasurable to the civic, religious and charitable affairs of his

community, both through membership and active participation in numerous organizations of worthy purpose and cause; and

WHEREAS, Mr. Kelly was very interested in the aquatic arts and the financial and commercial development of the City of Brewton and Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this fine man and his many contributions to his community and to Jefferson Davis State Junior College in particular, the swimming pool at Jefferson Davis State Junior College in Brewton shall be designated the "A. E. (Bill) Kelly Pool."

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this resolution to the family of A. E. (Bill) Kelly and to the President of Jefferson Davis State Junior College.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-535

S.J.R. 205— Messrs. Martin, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Kenner, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John, Smith, Taylor, Vacca, Weeks and White

SENATE JOINT RESOLUTION

THANKING THE TALLADEGA AREA LEGISLATIVE DELEGATION FOR INVITING THE LEGISLATURE TO THE 1981 TALLADEGA 500 NASCAR RACE.

WHEREAS, the Talladega Area Legislative Delegation generously invited the entire Legislature to attend the 1981 Talladega 500 NASCAR Race; and

WHEREAS, the many hosts and hostesses of the Talladega Area who served box lunches and refreshments were genuinely hospitable to our group and deserve recognition for their gracious efforts in pro-

viding an excellent time for all who attended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we thank the legislative delegation of Talladega, as well as the many hosts and hostesses, for treating this Legislature to a great Talladega racing event on May Third of this year.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Legislative Delegation from the Talladega Area.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-536

S.J.R. 206— Messrs. Harrison, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

CONGRATULATING MR. DALE RICHEY, STATE DIRECTOR OF THE FARMERS HOME ADMINISTRATION.

WHEREAS, the Legislature notes with pleasure the presidential appointment of Mr. Dale Richey, Montgomery, Alabama, as the State Director of the Farmers Home Administration; and

WHEREAS, Mr. Richey has adopted Alabama as his home, having graduated from Springhill College, Mobile, Alabama, with a Bachelor of Science Degree in Political Science and Business Administration; and

WHEREAS, this body notes with pride that Mr. Richey received numerous military awards, decorations and recognition for several tours of duty in Viet Nam where he served as a member of the elite Green Beret and a paratrooper; and

WHEREAS, he distinguished himself in concern for farmers, agricultural and forestry interests, with his positions with Farm Bureau and Gulf States Paper Company, on a state and national level; and

WHEREAS, Mr. Richey has been a long-time friend and an active supporter of our own Senator Jeremiah Denton; and

WHEREAS, the Alabama Legislature is impressed with the wealth of talent and credentials Mr. Richey brings to the office of State Director of Farmers Home Administration, which agency distributes federal disaster loans, community development loans, and farm and home loans in the state; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. Dale Richey on his presidential appointment as State Director of the Farmers Home Administration, and send a copy of this resolution to him as a token of our esteem.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-537

S.J.R. 208—Messrs. Weeks, Miller and Teague

SENATE JOINT RESOLUTION

COMMENDING ATHLETIC TEAMS OF TROY STATE UNIVERSITY.

WHEREAS, 1981 has been a year of extraordinary success for the athletic teams of Troy State University in that the Women's Basketball Team won its first Alabama AIAW State Championship; in that the Track Team with surprising ease won its second consecutive Gulf South Conference Championship; in that the Baseball Team came through the loser's bracket to twice defeat Delta State University in the G.S.C. Tournament for its second consecutive league title; and in that the golf team dominated the Conference Tournament in winning its second straight league championship by 35 strokes; and

WHEREAS, the Legislature of the State of Alabama takes great pleasure in commending Women's Basketball Coach Joyce Sorrell, Baseball Coach Chase Riddle, Track Coach Rick Stetson and Golf Coach Mike Griffin and their charges for their championship performances; and

WHEREAS, with these conference championships came the league's All-Sports Trophy, the highest tribute a G.S.C. member institution may achieve; and

WHEREAS, 1981 marks the second consecutive year that Troy State has won this trophy; and

WHEREAS, the Troy State track, golf and baseball teams will continue to represent our state in upcoming regional and national competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate the aforementioned teams and coaches and wish them the best of luck in their remaining post-season competition.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Joyce Sorrell, Coach Mike Griffin, Coach Rick Stetson, Coach Chase Riddle, Troy State President Ralph W. Adams and Troy State Director of Athletics, Mr. Robert Stewart.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-538

S.J.R. 209— Messrs. Parsons, Hilliard, Cook,
White, Vacca, deGraffenried, and
Proctor

SENATE JOINT RESOLUTION

COMMENDING JUDGE JAMES L. HALEY UPON HIS RETIREMENT AS A CIRCUIT JUDGE IN JEFFERSON COUNTY.

WHEREAS, James L. Haley was born on June 17, 1912, in Chrystal Springs, Mississippi, to James O. Haley, Sr., and Belle Barlow Haley; and

WHEREAS, James O. Haley, Sr., died when James L. Haley was only eight years old, and Mrs. Haley moved to Birmingham in 1925 with the seven children; and

WHEREAS, James L. Haley has lived in Birmingham since that time, attended public schools, and graduated from Woodlawn High School and Howard College, and received his LL.B and J.D. Degrees from the Birmingham School of Law; and

WHEREAS, James L. Haley was admitted to the practice of law in 1936 and practiced law with the firm of Lang, Simpson, Robinson, and Summerville from 1936 to 1968, except during World War II, when he served as a gunnery officer in the Navy; and

WHEREAS, in 1968 he was appointed to the Circuit Court bench by Governor Albert Brewer to fill the unexpired term of Judge Edgar Byron, and was later elected for two full terms; and

WHEREAS, Judge Haley was very active in the legal community as a member of the American Bar Association and the Insurance Section thereof, the International Association of Insurance Counsel, the International Academy of Trial Lawyers, a Fellow in the American College of Trial Lawyers, and served as President of the State Bar Association in 1963; he participated in the preparation of the Alabama Rules of Civil Procedure and the Judicial Article, was very active in legal education seminars, taught in the Birmingham School of Law and the Cumberland School of Law, and is presently a full-time professor at the Cumberland School of Law; in 1978 he was voted the most outstanding judge in Jefferson County; and

WHEREAS, Judge Haley was active in civic functions and organizations including: Director of the Metropolitan YMCA, President of the Western YMCA and a member of the West Hills Exchange Club; and

WHEREAS, he married the former Mildred Ellis who was born and reared in Birmingham, and they have two sons who practice law in Birmingham and a daughter who is married to a physician in Scottsboro; and

WHEREAS, Judge James L. Haley's retirement as a Circuit Judge on September 1, 1980, ended an outstanding career on the Bench; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Judge James L. Haley for his outstanding service to the citizens of this state and wish him every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Judge Haley receive a copy of this resolution in token of our appreciation.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-539

S.J.R. 210—Mr. Gulledge

SENATE JOINT RESOLUTION

CONGRATULATING MR. SAMUEL PARKER, FOLEY, ALABAMA, "ALABAMA'S SMALL BUSINESS ADVOCATE, 1981."

WHEREAS, the Alabama Legislature is pleased to note that Mr. Samuel Parker, Foley, Alabama, has been recognized by the Small Business Administration as "Alabama's Small Business Advocate, 1981;" and

WHEREAS, Mr. Parker, native of South Alabama, graduated from Castle Heights Military Academy in 1943, and served in the United States Navy Seabees, 1943 through 1946, and served in the South Pacific for twenty-two months in World War II; and

WHEREAS, Mr. Samuel Parker, graduated from Tulane University, New Orleans, Louisiana, in 1949, with a Bachelor's Degree in Business Administration and in 1951 again served his country during the Korean Conflict, in Europe, the United Kingdom and North Africa in the United States Air Force, and was honorably discharged in December 1952, with the rank of captain; and

WHEREAS, Mr. Samuel Parker opened his own office for the practice of public accounting in Foley, Alabama, in 1952, successfully completed the Certified Public Accountant's Examination in 1953, and during the last 29 years has developed his firm into one of the largest and most efficient in the region; and

WHEREAS, Mr. Samuel Parker led his firm in close cooperation with the Small Business Administration for the economic benefit of the citizens of his community and has maintained that relationship for twenty-five years; and

WHEREAS, Mr. Samuel Parker is a member of numerous civic and professional organizations, including: member of American Institute of Certified Public Accountants, the Alabama Society of Certified Public Accountants, the Mobile Estate Planning Council, the Alabama State Board of Public Accountancy, and has served as Chairman of each of the Council of Alabama Society of CPA's and the Mobile Chapter of CPA's, and in 1977 the South Baldwin Chamber of Commerce's selection as the "Free Enterprise Man of the Year"; and

WHEREAS, Mr. Samuel Parker has earned the admiration and respect of his fellow citizens by his dedication in working for community improvement and his business acumen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. Samuel Parker on his most recent achievement as being recognized as "Alabama's Small Business Advocate, 1981," and for his dedication to community development.

RESOLVED FURTHER, That we send a copy of this resolution to Mr. Samuel Parker as an expresion of our esteem.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-540

S.J.R. 212— Messrs. Callahan, Bailey, Barron, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

PROCLAIMING THE LAST SUNDAY IN JULY AS "SISTER'S DAY."

WHEREAS, mothers and fathers are honored each year; and

WHEREAS, sisters are beloved and honored persons within a family; and

WHEREAS, sisters of Alabama deserve to have a special day set aside on which they will be honored with all privileges, rights and ceremonial tokens of love and affection by their loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last Sunday in July of each year shall henceforth be proclaimed as "Sister's Day" in recognition and honor of all the sisters of Alabama.

BE IT FURTHER RESOLVED, That The Honorable Forrest Hood James, Governor of Alabama, sign this proclamation designating the last Sunday in July as "Sister's Day."

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-541

S. 68—Mr. St. John

AN ACT

To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-3-11 is amended to read as follows:

(a) The commissioner shall not issue or permit to exist a certificate of authority as to any insurer, other than an alien insurer, unless it has deposited and maintains deposited in trust with the treasurer of this state cash or securities eligible under section 27-6-3 and having a value at all times of not less than \$100,000.00 or the minimum paid-in capital stock, if a stock insurer, or surplus, if a mutual or reciprocal insurer, required to be maintained by the insurer under this title for authority to transact the kinds of insurance to be transacted, whichever is the smaller amount.

(b) The deposit shall be for the general benefit and protection of the insurer's policyholders or its policyholders and creditors.

(c) In lieu of such deposit, or part thereof, in this state of a foreign insurer, the commissioner shall, subject to the retaliatory law, section 27-3-29, accept the current certificate in proper form of the public official having supervision over insurers in any other state to the effect that a like deposit, or part thereof, of such insurer, comprised of cash or securities of substantially the same character as required under subsection (a) of this section, of similar deposits in this state, is being maintained under law in public custody or control in such state in trust for the purpose, among other reasonable purposes of protection of policyholders or policyholders and creditors, of the protection of all the insurer's policyholders or of its policyholders and creditors in this state.

(d) All such deposits in this state shall be subject to the applicable provisions of chapter 6 of this title.

(e) Any insurance company with respect to its general account or separate accounts is authorized to deposit or arrange for the deposit

of securities which it may own in a clearing corporation as defined in Section 7-8-102(3), Code of Alabama, 1975, or in a federal reserve bank under book-entry system. When such securities are so deposited, certificates representing securities of the same class of the same insurer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited in such clearing corporation by any person, regardless of the ownership of such securities, and securities of small denominations may be merged into one or more certificates of larger denominations. Title to such securities may be transferred by bookkeeping entry on the books of such clearing corporation or federal reserve bank without physical delivery of certificates representing such securities. Any company making deposits by means of such securities shall provide to the commissioner evidence customarily issued by federal reserve banks and clearing corporations establishing that the securities are actually recorded in a book-entry account or actually held in safekeeping by a clearing corporation. Securities deposited in a clearing corporation or in a book-entry account and used to meet the deposit requirements under the insurance laws of this state shall be under the control of the commissioner and shall not be withdrawn by the insurance company without the approval of the commissioner.

Section 2. Section 27-6-3 is amended to read as follows:

(a) All such deposits required under sections 27-3-11, 27-3-12, and 27-3-14 for authority to transact insurance in this state shall consist of certified checks, or certificates of deposit or any combination of securities, the market value of which is readily ascertainable, and, if negotiable by delivery or assignment, of the kinds described below:

- (1) United States government obligations;
- (2) State, county, municipal and school obligations;
- (3) Public improvement obligations;
- (4) Housing authority obligations;
- (5) Obligations, stock of certain federal agencies;
- (6) Canadian governmental obligations;
- (7) International banks;
- (8) Corporate obligations;
- (9) Equipment trust obligations; and
- (10) Railroad leased lines, terminal obligations.

(b) All such deposits required of a domestic insurer pursuant to the laws of another state, province or country shall be comprised

of securities, if negotiable by delivery or assignment, of the kind, or kinds, required or permitted by the laws of such state, province or country, except common stocks, mortgages of any kind and real estate.

(c) Deposits of the reserves of a domestic life insurer under laws heretofore in force shall consist of securities, if negotiable by delivery or assignment, eligible for investment of the insurer's reserves.

(d) Deposits of foreign insurers made in this state under the retaliatory provision, section 27-3-29, shall consist of such securities or assets as are required by the commissioner pursuant to such provision.

(e) Any insurance company with respect to its general account or separate accounts is authorized to deposit or arrange for the deposit of securities which it may own in a clearing corporation as defined in Section 7-8-102(3), Code of Alabama, 1975, or in a federal reserve bank under book-entry system. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited in such clearing corporation by any person, regardless of the ownership of such securities, and securities of small denominations may be merged into one or more certificates of larger denominations. Title to such securities may be transferred by bookkeeping entry on the books of such clearing corporation or federal reserve bank without physical delivery of certificates representing such securities. Any company making deposits by means of such securities shall provide to the commissioner evidence customarily issued by federal reserve banks and clearing corporations establishing that the securities are actually recorded in a book-entry account or actually held in safekeeping by a clearing corporation. Securities deposited in a clearing corporation or in a book-entry account and used to meet the deposit requirements under the insurance laws of this state shall be under the control of the commissioner and shall not be withdrawn by the insurance company without the approval of the commissioner.

Section 3. Section 27-27-29 is amended to read as follows:

(a) Every domestic insurer shall have, and maintain, its principal place of business and home office in this state and shall keep therein complete records of its assets, transactions and affairs in accordance with such methods and systems as are customary or suitable as to the kind, or kinds, of insurance transacted.

(b) Every domestic insurer shall have, and maintain, its assets in this state, except as to:

(1) Real property and personal property appurtenant thereto

lawfully owned by the insurer and located outside this state; and

(2) Such property of the insurer as may be customary, necessary and convenient to enable and facilitate the operation of its branch offices and "regional home offices" located outside this state as referred to in subsection (d) of this section.

(c) Removal of all, or a material part of, the records or assets of a domestic insurer from this state except pursuant to a plan of merger or consolidation approved by the commissioner under this title, or for such reasonable purposes and periods of time as may be approved by the commissioner in writing in advance of such removal, or concealment of such records or assets, or material part thereof, from the commissioner is prohibited. Any person who removes, or attempts to remove, such records or assets, or such material part thereof, from the home office or other place of business or of safekeeping of the insurer in this state with the intent to remove the same from this state or who conceals or attempts to conceal the same from the commissioner, in violation of this section, shall, upon conviction thereof, be guilty of a felony, punishable by a fine of not more than \$10,000.00, or by imprisonment in the penitentiary for not more than five years or by both such fine and imprisonment in the discretion of the court. Upon any removal or attempted removal of such records or assets or upon retention of such records or assets, or material part thereof, outside this state beyond the period therefor specified in the commissioner's consent under which the records were so removed thereat or upon concealment of, or attempt to conceal, records or assets in violation of this section, the commissioner may institute delinquency proceedings against the insurer pursuant to the provisions of chapter 32 of this title.

(d) This section shall not be deemed to prohibit or prevent an insurer from:

(1) Establishing and maintaining branch offices or "regional home offices" in other states where necessary or convenient to the transaction of its business and keeping therein the detailed records and assets customary and necessary for the servicing of its insurance in force and affairs in the territory served by such an office, as long as such records and assets are made readily available at such office for examination by the commissioner at his request; or

(2) Having, depositing or transmitting funds and assets of the insurer in, or to, jurisdiction outside of this state required by the law of such jurisdiction or as reasonably and customarily required in the regular course of its business, including the retention of personal property or securities in a depository outside the state of Alabama for purposes of safekeeping or for the convenient operation of the insurer.

(e) For good cause shown and with the written permission of the commissioner, a domestic insurer may maintain its executive offices outside the state of Alabama provided it keeps an office managed by one or more officers of the insurer and a complete duplicate set of records in Alabama and further agrees to make all records at the executive offices outside Alabama available to the commissioner of Alabama upon reasonable notice by him.

(f) This section shall not apply to those actions taken by insurance companies prior to January 1, 1972, but only applies to future actions of domestic insurance companies.

(g) Notwithstanding any other provision of this section, any company may evidence ownership of its assets by use of a clearing corporation or book-entry deposit system.

Section 4. Section 27-41-4 is amended to read as follows:

No investment (other than in common stocks allowed under section 27-41-17; in insurance stocks allowed under section 27-41-18; in loans or investments allowed under section 27-41-35; in real property allowed under section 27-41-34; or in funeral supply inventories and equipment allowed under section 27-41-38) shall be an eligible investment unless it is interest-bearing or interest-accruing or dividend or income-paying, is not then in default, and the insurer is entitled to receive for its account and benefit the interest or income accruing thereon. An investment may be eligible notwithstanding that part of the interest or income accruing thereon is paid by the insurer to a third party in consideration of services rendered by the third party with respect to the investment or that part of the interest or income accruing thereon is shared by the insurer with one or more joint venturers or other participating in the same investment.

Any investment authorized may be deposited in a clearing corporation as defined in Section 7-8-102(3), Code of Alabama, 1975, or in a federal reserve bank under book-entry system. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited in such clearing corporation by any person, regardless of the ownership of such securities, and securities of small denominations may be merged into one or more certificates of larger denominations. Title to such securities may be transferred by bookkeeping entry on the books of such clearing corporation or federal reserve bank without physical delivery or certificates representing such securities.

Section 5. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 15, 1981

Time: 3:00 P.M.

Act No. 81-542

S. 364—Mr. St. John

AN ACT

To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.

For purposes of this Act the "Published Monthly Average" means:

(a) The Monthly Average of the Composite Yield on Seasoned Corporate Bonds as published by Moody's Investors Service, Inc. or any successor thereto; or

(b) In the event that the Monthly Average of the Composite Yield on Seasoned Corporate Bonds is no longer published, a substantially similar average, established by regulation issued by the Commissioner.

Section 2. MAXIMUM RATE OF INTEREST ON POLICY LOANS.

(a) Policies issued on or after the effective date of this Act shall provide for policy loan interest rates as follows:

(1) A provision permitting a maximum interest rate of not more than 8% per annum; or

(2) A provision permitting an adjustable maximum interest rate established from time to time by the life insurer as permitted by law.

(b) The rate of interest charged on a policy loan made under subsection (a) (2) shall not exceed the higher of the following:

(1) The Published Monthly Average for the calendar month ending two months before the date on which the rate is determined; or

(2) The rate used to compute the cash surrender values under the policy during the applicable period plus 1% per annum.

(c) If the maximum rate of interest is determined pursuant to subsection (a) (2), the policy shall contain a provision setting forth the frequency at which the rate is to be determined for that policy.

(d) The maximum rate for each policy must be determined at regular intervals at least once every 12 months, but not more frequently than once in any three month period. At the intervals specified in the policy:

(1) The rate being charged may be increased whenever such increase as determined under subsection (b) would increase that rate by $\frac{1}{2}\%$ or more per annum;

(2) The rate being charged must be reduced whenever such reduction as determined under subsection (b) would decrease that rate by $\frac{1}{2}\%$ or more per annum.

(e) The life insurer shall:

(1) notify the policyholder at the time a cash loan is made of the initial rate of interest on the loan;

(2) notify the policyholder with respect to premium loans of the initial rate of interest on the loan as soon as it is reasonably practical to do so after making the initial loan. Notice need not be given to the policyholder when a further premium loan is added, except as provided in subdivision (3) below;

(3) send to policyholders with loans reasonable advance notice of any increase in the rate; and

(4) include in the notices required above the substance of the pertinent provisions of subsections (a) and (c).

(f) The loan value of the policy shall be determined in accordance with Section 27-15-8, but no policy shall terminate in a policy year as the sole result of change in the interest rate during that policy year, and the life insurer shall maintain coverage during that policy year until the time at which it would otherwise have terminated if there had been no change during that policy year.

(g) The substance of the pertinent provisions of subsections (a) and (c) shall be set forth in the policies to which they apply.

(h) For purposes of this Section:

(1) The rate of interest on policy loans permitted under this section includes the interest rate charged on reinstatement of policy loans for the period during and after any lapse of a policy.

(2) The term "policy loan" includes any premium loan made under a policy to pay one or more premiums that were not paid to the life insurer as they fell due.

(3) The term "policyholder" includes the owner of the policy or the person designated to pay premiums as shown on the records of the life insurer.

(4) The term "Policy" includes certificates issued by a fraternal benefit society and annuity contract which provide for policy loans.

(i) No other provisions of law shall apply to policy loan interest rates unless made specifically applicable to such rates.

Section 3. APPLICABILITY TO EXISTING POLICIES.

The provisions of this Act shall not apply to any insurance contract issued before the effective date of this Act unless the policyholder agrees in writing to the applicability of such provisions.

Section 4. In the event of any conflicts between the provisions of this Act and Section 27-15-5, Code of Alabama 1975, the provisions of this Act shall control.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 15, 1981

Time: 3:00 P.M.

Act No. 81-543

S. 600—Messrs. White, St. John, Goodwin
and Cook

AN ACT

To provide further for political contributions by corporations, whether for profit or non-profit.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be legal and permissible for any corporation, other than a public utility that is regulated by the Public Service Commission, whether for profit or non-profit, incorporated under the laws of or doing business in this state, to directly give, pay, expend, or contribute, any money or other valuable thing in any amount not to exceed \$500 to any one candidate or political party, or to aid or defeat any question or proposition in any one election in order to aid,

promote or prevent the nomination or election of any person, or defeat any question or proposition submitted to the vote of the people, or in order to aid, promote or antagonize the interest of any political party. In the case of a group of parent-subsidary corporations, the \$500 limitation described above shall apply to the entire group.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating political contributions; however, those laws or parts of laws which are in direct conflict or inconsistent with the provisions of this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1981

Time: 3:00 P.M.

Act No. 81-544

H.J.R. 315—Reps. Carothers, Grimsley

HOUSE JOINT RESOLUTION

HONORING MR. EDMOND BURK HICKMAN, DIRECTOR OF THE DOTHAN HIGH SCHOOL BAND.

WHEREAS, Mr. Edmond Burk Hickman is a graduate of John Carroll High School of Birmingham, Alabama, and of the University of Alabama where he was a four-year member of the famous "Million Dollar Band"; and

WHEREAS, following his graduation in 1967, Ed Hickman became associated with the Dothan City Schools as Band Director at Young Junior High School; the following year he was named Director of the Band at Dothan High School where he has remained for the past 13 years and during which time band membership has more than doubled; and

WHEREAS, during Mr. Hickman's tenure at Dothan High, his bands have received numerous superior ratings in competition with other marching bands, and his Jazz Bands have been rated "superior" for the past 13 years and also received the 1975 President's Award from George C. Wallace State Community College; and

WHEREAS, Ed Hickman has been especially active in the Alabama Band Masters Association, having served both as District and as Regional Chairman of that professional organization, and he has authored several articles published in national music educators' magazines; and

WHEREAS, he has served as Chairman of the Dothan High School Fine Arts Department for the past three years, has appeared several times as guest soloist with the Birmingham Symphony Orchestra and has served as Director of the Tri-State Summer Pops Band for Youth since 1975; and

WHEREAS, in addition to providing countless arrangements for his bands through the years, Ed Hickman also provided leadership and assistance for a movie which was written, produced, edited and directed by a group of his students; and

WHEREAS, Mr. Hickman, who will be leaving Dothan at the end of this school year for post-graduate study in pursuit of advanced degrees, has earned the love and respect of the entire community for his years of dedicated service not only to the youth of Dothan, but to Alabama and the Southeast as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mr. Edmond Burk Hickman on his exceptional stature as a music educator and sincerely wish him every future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Hickman at the Band's Spring Concert on May 12, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-545

H.J.R. 323—Rep. Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING THE CHILTON COUNTY WATER AND FIRE PROTECTION AUTHORITY.

WHEREAS, in high commendation, the Alabama Legislature notes the completion of the first of a multi-phase plan to provide water to all of rural Chilton County; the first phase, now operational, serves the Western portion of the county and further augments the water

systems of Maplesville, Jemison and Thorsby, and provides service to the Union Camp Veneer mill industrial site; and

WHEREAS, currently serving 1,854 rural customers the \$5.8 million project consists of some 202 miles of water main, a 2-million gallon per day capacity water treatment plant, four wells supplying the raw water, three pumping stations and four above-ground storage tanks; and

WHEREAS, it is further to be noted that this multi-million dollar project was completed without any state funds whatsoever; and

WHEREAS, instrumentally responsible for completion of this new system are members of the Chilton County Water and Fire Protection Authority: Chairman James W. Donald, a 25-year veteran of the United States Army who retired with the rank of Colonel in 1969; retired Chief Warrant Officer Willard C. Smith; and former educator and probate judge, J. C. White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Chilton County Water and Fire Protection Authority and direct that copies of this resolution be sent to Chairman Donald, and to board members Smith and White, that they may know of our sincere praise and high regard for this outstanding accomplishment.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-546

H.J.R. 324—Rep. Edwards

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS JENNIFER HENDERSON OF FORT DEPOSIT, LOWNDES COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is pleased to note the selection of little Miss Jennifer Henderson of Fort Deposit, Alabama, as the recipient of the grand national award in the 1980 Meisel Children's Personality Photo Contest; and

WHEREAS, the annual contest, which is jointly sponsored by the Gayfer Department Store Chain, is open to children under the age of twelve years, and Jennifer Henderson was selected from among thousands of participants from all over the United States; and

WHEREAS, four year old Jennifer, the daughter of Mr. and Mrs. H. Wayne Henderson, is indeed a lovely and charming young lady who is extraordinarily beautiful and outstandingly poised for a child of so few years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Jennifer Henderson of Fort Deposit, Alabama, as the grand national winner of the prestigious Meisel Contest Award; we further express our gratitude for the fame and honor she has brought to our state and wish her every future success in life.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jennifer and to her parents, in token of our high praise and regard.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-547

H.J.R. 325—Rep. Kennedy, Buskey, Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING MRS. IRENE J. WARE, MANAGER OF WGOK-RADIO IN MOBILE, ALABAMA.

WHEREAS, as a recipient of the prestigious Golden Key Award of Omega Psi Phi Fraternity, Mrs. Irene J. Ware of Mobile, Alabama, was honored at the organization's Second Annual Awards Banquet and Ball on March 14, 1981; and

WHEREAS, Mrs. Ware, who has been employed by Radio Station WGOK in Mobile for almost two decades, currently serves as station manager, a position she has held for the past three years; and

WHEREAS, during the impressive Golden Key awards ceremonies, Mrs. Ware was cited for numerous accomplishments and for her work with the sick and bedridden, the aged and the needy whom she supports through her radio program, "The Brighter Day"; and

WHEREAS, Mrs. Ware, who has also worked with the American Cancer Society and the United Negro College Fund, is a member of the Board of Directors of the Gospel Workshop of America and, in March of 1980, was most signally honored as the first Black woman ever to receive the Gospel Dove Award of the Gospel Music Association; and

WHEREAS, further noteworthy in her achievement, Mrs. Ware

is the recipient of the 1977 Woman of the Year Award by Black Radio Exclusive which is headquartered in Los Angeles, California; and

WHEREAS, Mrs. Ware's dynamic personality is reflected in her leadership which has been recognized through numerous other honors, awards and citations including the meritorious "Distinguished Leadership Award" of the Stewart Memorial C.M.E. Church and the coveted "M.O. Beale Award" bestowed by the Mobile Press Register; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Irene J. Ware for outstanding achievement and as the recent recipient of the Omega Psi Phi Golden Key Award; we further stand in tribute of her "Bright Day" for those in need and direct that she receive a copy of this resolution which we tender in praise and in highest regard.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-548

H.J.R. 326—Rep. Dial

HOUSE JOINT RESOLUTION

COMMENDING SERGEANT MAJOR LEON L. DILLINGHAM FOR DISTINGUISHED MILITARY SERVICE.

WHEREAS, the Legislature notes with utmost commendation the distinguished military career of Sergeant Major Leon Lewis Dillingham who is retiring as Chief Enlisted Advisor to the 127th Medical Group, Alabama National Guard in Ashland, Alabama; and

WHEREAS, Leon Dillingham began his career with the National Guard in his native State of Maine; he was inducted into the United States Army in 1952, served in combat during both the Korean and Viet Nam Conflicts, and is the recipient of more than a dozen military decorations including the Meritorious Service Medal, Army Commendation Medal with three Oak Leaf Clusters and the Republic of Viet Nam Gallantry Cross with Palm; and

WHEREAS, a graduate of the University of Nebraska at Omaha with a Bachelor of General Science Degree, Sergeant Major Dillingham also has completed numerous advanced military courses at Camp Pickett, Fort McClellan and at Fort Sam Houston; and

WHEREAS, his other military assignments have included duty

in Ludwigsburg, Germany, Fort Meade, Maryland and Fort Richardson in Alaska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and praise we most highly commend Sergeant Major Leon Lewis Dillingham of Lineville, Alabama, on his distinguished military career and wish him every success in all future endeavors.

BE IT FURTHER RESOLVED, That Sergeant Major Dillingham receive a copy of this resolution, tendered in warm praise and high regard.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-549

H.J.R. 332—Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING ALABAMA CHRISTIAN COLLEGE AND COACH JON HAZELIP FOR THEIR THIRD PLACE FINISH IN THE NATIONAL LITTLE COLLEGE BASKETBALL TOURNAMENT.

WHEREAS, Coach Jon Hazelip's Alabama Christian College "Eagles" had an outstanding basketball season, earning the right for their first ever participation in the Little College Basketball Tournament held in Oakland City, Indiana by winning two crucial post-season games on their home court, beating Phillips College of Gulfport, Mississippi and Brewer State College; and

WHEREAS, Coach Hazelip was named Coach of the Year for the Deep South District of the National Little College Athletic Association (NLCAA) in recognition for his efforts in developing the "Eagles" into a national contender; and

WHEREAS, The "Eagles" went on to place third in the tough competition of the National Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend the Alabama Christian College "Eagles" and their Coach, Jon Hazelip, on their impressive accomplishments.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Eagles and to Coach Hazelip.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-550 H.J.R. 333—Reps. Smith (C), Venable, Albright

HOUSE JOINT RESOLUTION

COMMENDING J. F. INGRAM STATE TECHNICAL INSTITUTE IN DEATSVILLE, ALABAMA, AND DR. MURRY C. GREGG FOR THEIR EFFORTS IN REHABILITATING PRISONERS.

WHEREAS, the United States Office of Education, Bureau of Occupational and Adult Education, Division of Research and Demonstration, awarded a contract to System Sciences, Inc., and Conserva, Inc., to make an assessment of quality vocational education in State prisons in the United States; and

WHEREAS, J. F. Ingram State Technical Institute, Deatsville, was judged to be successful by the Contractor as measured by low recidivism rates, high post-release employment levels, and program performance evaluation data and was selected as one of the ten best programs in the United States; and

WHEREAS, Dr. Murry C. Gregg, President of J. F. Ingram State Technical Institute, was cited for his outstanding leadership because of the openness of the staff and faculty to the students, the innovative ways of using existing resources, and his aggressiveness in searching out new funds for program advancement; and

WHEREAS, the staff of J. F. Ingram State Technical Institute has been praised for its competence and capability and for their professional growth; and

WHEREAS, J. F. Ingram State Technical Institute has excellent relationships with the people in the Department of Corrections; and

WHEREAS, J. F. Ingram State Technical Institute has been cited because of its instructional program, which is modularized, competency based, and individualized; and

WHEREAS, J. F. Ingram State Technical Institute subjects itself to close evaluative examination, both internally and externally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly

commend Dr. Murry C. Gregg and his entire faculty and staff for an outstanding job and for bringing this national recognition to the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Murry C. Gregg and J. F. Ingram State Technical Institute as an expression of our appreciation and praise.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-551

H.J.R. 334— Reps. Kennedy, Sandusky,
Clark (W), Harper (T), Parker,
Stewart, McMillan, Turner,
Buskey, Zoghby, Bedsole

HOUSE JOINT RESOLUTION

HONORING DR. SANFORD DIXON BISHOP UPON HIS
RETIREMENT AS PRESIDENT OF S. D. BISHOP STATE
JUNIOR COLLEGE IN MOBILE, ALABAMA.

WHEREAS, it is with regret but in utmost praise that the Alabama Legislature notes the impending retirement on June 30, 1981, of Dr. Sanford Dixon Bishop as President of the institution which, in grateful recognition of his service, has borne his name since 1971; and

WHEREAS, Dr. Bishop has been President of S. D. Bishop State Junior College since the school's inception as the Mobile State Junior College in 1965; his association, however, began long prior to that date, in 1938, when the school was the Mobile Branch of Alabama State College and Dr. Bishop served as teacher and Director; and

WHEREAS, thus for more than four decades, Dr. Bishop has served a prestigious tenure for which he is eminently qualified, both through education and his innate ability for administrative excellence; and

WHEREAS, he is a graduate of the Oktibbeha County Training School in his native Starkville, Mississippi, a graduate of Jackson College Academy, Morehouse College with a B.A. degree and Atlanta University with a Master's degree; he has studied additionally at New York University and holds honorary Doctorates bestowed by Selma University, Virginia College and Morehouse College, as well; and

WHEREAS, Dr. Bishop holds membership and has served in leadership capacity in numerous educational, civic, fraternal and charitable organizations; he has further shared his talents and ability as advisor, involved member and chairman of a number of associations, committees and boards, on both local and state as well as national levels; and

WHEREAS, through the years, Dr. Bishop has been the recipient of a multitude of honors which include citations and awards by Kappa Alpha Psi, Alabama State University, Alabama Conference on Black Mayors and Lewis University, among countless others; he also appears in *Who's Who in Black America*, *Outstanding American Educators* and *who's who in the South and Southwest*; and

WHEREAS, Dr. Bishop's retirement will mark the end of an era of growth and progress for his beloved college, but he has laid a firm foundation to be built upon by those who follow and the sadness of his leave-taking should be lessened by the knowledge of his accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Dr. Sanford Dixon Bishop and express our deep and sincere gratitude to a man of outstanding achievement and educator renown.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Bishop upon his retirement to share with his wife who is former Head Librarian of S. D. Bishop College and with their son, Sanford D. Bishop, Jr., an attorney in Columbus, Georgia, and also a member of the Georgia House of Representatives.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-552

H. 668—Rep. Moore

AN ACT

Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 4 of Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), are hereby amended to read as follows:

“Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the last day of July 1981, and any tenth year thereafter. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.”

“Section 4. Each member of the board of registrars shall receive \$20.00 per diem compensation from the county general fund, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the governor, state auditor, and commissioner of agriculture and industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided that the per diem compensation provisions of Section 1 shall have retroactive effect to May 8, 1980.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-553

H. 909—Reps. Ward, Whatley, Turnham

AN ACT

To authorize the governing body of Lee County, Alabama, to levy and collect

special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases as used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“Commissioner” means the Commissioner of Revenue of the State.

“County” means Lee County in the State of Alabama.

“Courthouse Complex” means those buildings and structures comprising the County courthouse in Opelika, Alabama, as said buildings and structures may from time to time exist.

“Courthouse Improvements” means improvements, repairs and renovations to the Courthouse Complex.

“Fiscal Year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

“Justice Center” means a new building or structure (or group thereof) designed for use by the County and its agencies as a jail, criminal justice center and place for holding court, or any thereof, with appurtenant office and other ancillary facilities.

“Month” means a calendar month.

“Public Building Securities” means an issue of bonds, warrants or other securities hereafter issued by the County, or any agency or instrumentality of the County (such as a county public building authority), for the purpose of financing all or a portion of (a) the costs of acquiring, constructing and equipping a Justice Center (including land acquisition costs), or (b) the costs of making Courthouse Improvements, or (c) both the costs referred to in the preceding clause (a) and those referred to in the preceding clause (b).

“Quarterly Period” means the period of three Months ending on the last day of each March, June, September and December.

“Registered Seller” means the person registered with the State

Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“State” means the State of Alabama.

“State Department of Revenue” means the Department of Revenue of the State.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, including all other statutes of the State which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, including all other statutes of the State which expressly set forth any exemptions from the computation of the tax levied in said Article 2 and all other statutes of the State which expressly apply to, or purport to affect, the administration of said Article 2 and the incidence and collection of the taxes imposed therein.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms and phrases used in this Act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Authorization of Levy of Sales Tax. The governing body of the County is hereby authorized to levy and impose in the County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) upon every person, firm or corporation (including the State of Alabama and its alcoholic beverage control board in the sale of

alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks, nor sales of materials and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden) an amount not exceeding one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle, boat, boat motor, boat trailer, or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) upon every person, firm or corporation engaged or continuing within the County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the County, an amount not exceeding one percent of the gross receipts of any such business;

(c) upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding three-eighths of one percent of the gross proceeds of the sale of such machines; provided that the term "machines" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) upon every person, firm or corporation purchasing, other than by wholesale sale, any automotive vehicle, boat, boat motor, boat trailer, truck trailer, semitrailer or house trailer, an amount not exceeding three-eighths of one percent of the gross proceeds of sale of said automotive vehicle, boat, boat motor, boat trailer, truck trailer, semitrailer or house trailer; provided, however, that in the event of a withdrawal of an automotive vehicle, boat, boat motor, boat trailer, or truck trailer, semitrailer or house trailer from the stock in trade of a person for use by such person or by his employee or agent in the operation of his business, there shall be paid, in lieu of the tax authorized to be levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, boat, boat motor, boat trailer, truck trailer, semitrailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, boat, boat motor, boat trailer, truck trailer, semitrailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, boat, boat motor, boat trailer, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(e) upon every person, firm or corporation engaged or continuing within the County in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding three-fourths of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (e) shall be the gross proceeds of sales of such business; and

(f) upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount not exceeding three-eighths of one percent of the gross proceeds of the sale thereof; provided, that the three-eighths of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities; and provided further, that where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax herein authorized to be levied shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax.

Section 3. Authorization of Levy of Use Tax. The governing body of the County is hereby authorized to levy and impose excise taxes on the storage, use or other consumption of property in the County as hereinafter provided in this section:

(a) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the County on or after the effective date of such tax, at the rate of not exceeding one percent of the sales price of such property, except as provided in subsections (b), (c), (d) and (e) of this section;

(b) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the County, at the rate of not exceeding three-eighths of one percent of the sales price of any such machine; provided, that the term "machine," as used herein, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(c) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of any automotive vehicle, or truck trailer, semitrailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the County at the rate of not exceeding three-eighths of one percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer; provided, that where any used automotive vehicle, or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein authorized to be levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

(d) an excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in the County of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the County, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) and (c) of this section apply; and

(e) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments

and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail on or after the effective date of such tax, for storage, use or other consumption in the County, at the rate of not exceeding three-eighths of one percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in the County; provided, that the three-eighths of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

There are exempted from the provisions of this section, and from the taxes authorized to be imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the State Use Tax Statutes from the State Use Tax. Subject to those exemptions, every person storing or using or otherwise consuming in the County tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes authorized to be imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided however, that a receipt from the Registered Seller given pursuant to Section 6 of this Act to the purchaser of any property to be used, stored or consumed in the County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes authorized to be levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the Month next succeeding the Month in which the tax accrues; and the use taxes authorized to be levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the Month next succeeding each Quarterly Period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such Quarterly Period to end on the last day of each of the Months of March, June, September and December. The sales taxes authorized to be levied in Section 2 of this Act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the State Sales Tax; and the use taxes authorized to be levied in Section 3 of this Act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the State Use Tax. On or prior to the due dates of the taxes herein authorized to be levied, each person

subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein authorized to be levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes authorized to be levied herein, the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding Quarterly Period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes authorized to be levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the Month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the County or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the County in a business subject to the sales taxes authorized to be levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes authorized to be levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales price or admission fee and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every Registered Seller. Every Registered Seller making sales of tangible personal property for storage, use or other consumption in the County (which storage, use or other consumption is not exempted from the use taxes herein authorized to be levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the County is not then subject to the taxes herein authorized to be levied, at the time such storage, use or other consumption

becomes subject to the taxes herein authorized to be levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the Month next succeeding each Quarterly Period, each Registered Seller shall file with the State Department of Revenue a return for the then preceding Quarterly Period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such Registered Seller, the storage, use or other consumption of which became subject to the use taxes herein authorized to be imposed, during the then preceding Quarterly Period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such Registered Seller during the period covered by the return; provided that any Registered Seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding Quarterly Period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a Registered Seller the tax with respect to the use, storage or other consumption of tangible personal property in the County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use taxes authorized to be imposed herein, and who has not paid the said use taxes due with respect thereto to a Registered Seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any Registered Seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes authorized to be imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes authorized to be imposed by this Act shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the State which apply to the enforcement of liens for license taxes due the State shall apply fully to the collection of the taxes herein authorized to be levied, and the State Department of Revenue, for the use and benefit of the County, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that

the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act and otherwise to enforce the provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales taxes authorized to be levied in Section 2 hereof, shall apply to the sales taxes authorized to be levied in the said Section 2; and all provisions of the State Use Tax Statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes authorized to be levied in Section 3 hereof, shall apply to the use taxes authorized to be levied in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein authorized to be levied, that are imposed on the Commissioner and the said Department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein authorized to be levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Its Disposition of Tax Proceeds. The State Department of Revenue shall charge the County, for collecting the taxes authorized to be levied herein, the costs of the said Department in collecting the said taxes; provided such charge shall not, in any event, exceed five percent of the total

amount of the taxes collected hereunder. Such charge for collecting the said taxes for the County may be deducted each Month from the tax proceeds collected before the amount of the said proceeds due the County for that Month is certified as provided in this section. The Commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the State Department of Revenue; and on or before the first day of each successive Month (commencing with the Month next succeeding the Month in which the said Department makes the first collection of any of the taxes authorized to be levied hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the County during the Month immediately preceding the making of such certificate and shall state separately in the said certificate the amount of the proceeds so collected from the taxes authorized to be levied in Section 2 hereof and the amount of the proceeds so collected from the taxes authorized to be levied in Section 3 hereof; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the County during each Month, the Commissioner may deduct from the taxes collected hereunder in said Month the charges due the said Department for collection of the said taxes. It shall be the duty of the State Comptroller (i) to issue his warrant each Month, payable to the County, in an amount equal to the amount so certified by the Commissioner as having been collected for the use of the County, and (ii) to transmit to the County, along with the said warrant, a copy of the said certificate by the Commissioner.

Section 10. Use of Proceeds. The entire proceeds derived by the County from the taxes herein authorized to be levied (including any income derived from the investment of such proceeds) shall, subject to the provisions of Section 11 of this Act, be applied and used as follows:

(a) if no Public Building Securities have been issued and are then outstanding and if the acquisition, construction and equipment of the Courthouse Improvements and the Justice Center have not been completed, the entire proceeds shall be used for the purpose of paying costs of acquiring, construction and equipping the Courthouse Improvements or a Justice Center (including land acquisition costs), or both, or accumulated for subsequent use therefor;

(b) if no Public Building Securities have been issued and are then outstanding and if the acquisition, construction and equipment of the Courthouse Improvements and the Justice Center have been completed but the costs thereof have not been fully paid, the entire proceeds shall be used for the purpose of paying such costs;

(c) if any Public Building Securities have been issued and are then outstanding but if the acquisition, construction and equipment of the Courthouse Improvements and the Justice Center have not been completed, the entire proceeds shall be used for payment of the principal of and the interest (and premium, if any) on such Public Building Securities (or, if such Public Building Securities were not issued by the County but rather by an agency or instrumentality of the County and are payable from revenues to be derived by such agency or instrumentality from the leasing of the Courthouse Complex or the Justice Center, or both, to the County, for payment of any rentals that may become due to such agency or instrumentality by the County);

(d) if any Public Building Securities have been issued and are then outstanding and if the acquisition, construction and equipment of the Courthouse Improvements and the Justice Center have been completed, eighty percent (80%) of the said proceeds shall be used for payment of the principal of and the interest (and premium, if any) on the Public Building Securities (or, if such Public Building Securities were not issued by the County but rather by an agency or instrumentality of the County and are payable from revenues to be derived by such agency or instrumentality from the leasing of the Courthouse Complex or the Justice Center, or both, to the County, for payment of any rentals that may become due to such agency or instrumentality by the County), and the remaining twenty percent (20%) of said proceeds shall be used for payment of the costs of operating and maintaining the Justice Center; and

(e) if the Public Building Securities have been issued but none thereof are then outstanding and unpaid, the entire proceeds shall be used for payment of the costs of operating and maintaining the Justice Center.

If at any time the County is required by the provisions of this Section 10 to use all or a specified portion of the proceeds from the taxes herein authorized to be levied for the payment of debt service on Public Building Securities (including rentals related thereto) and if at such time the County has paid or made full provisions for the payment of all debt service maturing during the then current Fiscal Year with respect to the Public Building Securities (including rentals related thereto), the County shall apply all or such specified portion of such tax proceeds received during the remainder of such Fiscal Year to prepayment of such Public Building Securities (including any rentals required therefor), it being the intention of this Act to provide for the retirement of such Public Building Securities as promptly as practicable.

Section 11. Effective Date and Duration of Levy of Taxes. If

the governing body of the County elects to levy or impose any of the taxes herein authorized to be levied and imposed, it shall specify, as the effective date of such levy, the first day of any calendar month following such levy; provided that such governing body may not levy or impose any such taxes unless the effective date of such levy (a) is at least fifteen (15) calendar days after the date of such levy, and (b) is not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act, as specified in Section 13 hereof. The maximum duration of the levy of any of the taxes herein authorized to be levied and imposed shall be a period of six (6) years from the effective date of such levy, subject to earlier termination as follows:

(1) if any Public Building Securities are hereafter issued, none of such taxes may be levied after the expiration of the sixth calendar month next following the month during which the last of such securities are paid and retired; or

(2) if no Public Building Securities are hereafter issued and the governing body of the County instead elects to pay all the costs of the Courthouse Improvements and the Justice Center by accumulating moneys therefor, none of such taxes may be levied after (i) the last day of the calendar month during which moneys sufficient therefor have been accumulated, or (ii) the last day of the calendar month during which the last of such costs are paid, whichever of the foregoing (i) or (ii) occurs first.

Any proceeds from the taxes herein authorized that are on hand at the time of the termination of the levy (or that are thereafter received) and that are not needed for payment of debt service on any Public Building Securities shall be used to pay the costs of operating and maintaining the Justice Center.

Nothing herein contained shall prohibit the governing body of the County, subject to constitutional limitations on the impairment of contracts, from reducing, at any time after the levy of any of the taxes herein authorized, the rate at which any of such taxes is levied or from ceasing to levy or impose any such taxes.

Section 12. Severability Clause. The provisions of this Act are severable. If any part of this Act is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining parts hereof.

Section 13. Effective Date of Act. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-554

H.J.R. 337—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, May 7, 1981, we adjourn to meet again on Monday, May, 18, 1981, and when we adjourn on Monday, May 18, 1981, we adjourn sine die.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-555

H. 25—Rep. Turner

AN ACT

To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature that this Act provides assistance to organized volunteer fire departments and organized rescue squads. The Legislature deems these organizations public in nature, as they protect the health, safety and welfare of the public.

Section 2. The state, any county, any municipality, any fire, water, sewer, garbage or school district, or any other public governmental entity or political subdivision is hereby authorized to donate money, property, equipment or other thing of value to any organized voluntary fire department or organized voluntary rescue squad. If disposed of it will return to the agency where it was obtained.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-556

H. 54—Reps. Dial, Ford

AN ACT

To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-2-60, Code of Alabama 1975, is hereby amended to read as follows:

“§ 31-2-60. The adjutant general may have to assist him in performance of his duties and to perform the various duties of the military department such number of officers and employees as may be approved by the governor, such officers and employees to be appointed by the adjutant general subject to the approval of the governor and subject to the provisions of the merit system wherever applicable it being specifically provided that, if approved by the governor, such department organization may include the positions of deputy adjutant general, the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations, an assistant adjutant general for air and a state property and disbursing officer and military executive officer. The provisions of the merit system shall have application to all officers and employees of the department other than those serving in the active military service of the state under orders of the governor, who shall receive the same pay as an officer or enlisted man of the regular service of corresponding grade with corresponding length of service; provided, however, that in the event a person is designated to the position of deputy adjutant general, such person may occupy a position in the merit system in the state of Alabama or a position as a national guard technician in the federal civil service system. All persons hereafter appointed as officers in the military shall have served at least three years in the active Alabama national guard and should have military and civil education, training and experience particularly fitting them for the positions to which they are assigned.

The assignments, duties and authority of the officers and employees of the department shall be prescribed and assigned by the adjutant general, with the approval of the governor, and such department shall be so organized and may be reorganized into appropriate sections, divisions or agencies as to conform to the wishes of the governor and the regulations and requirements of the national guard of the United States. The persons occupying positions as heads or chiefs of the various sections or divisions or holding other offices or positions

in the department shall, if such persons qualify therefor, hold such military rank as may be authorized and approved for such positions by the governor and the national guard bureau of the United States, and if so authorized and approved, those officers holding the positions of deputy adjutant general, assistant adjutants general for the army and assistant adjutant general for air shall be appointed to and hold the grade of brigadier general for the time they occupy such positions. Officers and employees of the state military department called, ordered or drafted into the service of the armed forces of the United States for any reason shall be granted leave of absence from their employments therein for the time they are retained in such service and shall be reinstated in such or similar employments if they so desire, and if they apply in writing to the adjutant general for said reinstatement within 12 months after termination of the term of service on their original call, order, draft or enlistment into the federal service."

Section 2. The provisions of this Act are severable. If any part is declared unconstitutional or invalid, such declaration shall not affect the part which remains."

Section 3. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 17, 1981.

Time: 2:00 P.M.

Act No. 81-557

H. 151—Rep. Owens

AN ACT

To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4-2-31, Code of Alabama 1975, is hereby amended to read as follows:

" § 4-2-31.

"The commission shall, within 30 days after its appointment, organize, adopt a seal and make such rules and regulations for its administration, not inconsistent herewith, as it may deem expedient,

and may from time to time amend such rules and regulations. At such organizational meeting it shall elect from among its members a chairman, a vice-chairman and a secretary, to serve for one year, and annually thereafter shall elect such officers, all to serve until their successors are appointed and qualified. It shall at its initial meeting fix the date and place for its regular meetings which shall be held quarterly, and no action shall be taken by less than a majority of the commission. Special meetings may be called either by the governor or the chairman of the commission or by any four members of the commission, mailing notice thereof seven days prior to the meeting day to each commissioner at his known address. All regular and special commission meetings shall be open to the public, and seven days' notice thereof shall be given to all persons who have signified in writing to the commission their desire to receive such notices by mailing to their registered address notice of such meetings. Regular or special meetings shall be held at its offices at Montgomery, but, whenever the convenience of the public or of the parties may be promoted or delay or expense may be prevented, the commission may hold meetings, hearings or proceedings at any other place designated by it. The said commission shall report in writing to the governor each year, as provided by law, and said report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenues and expenditures made by or in the behalf of the commission, such other information as the commission may deem necessary or useful and any additional information which may be requested by the governor. The fiscal year of the commission shall conform to the fiscal year of the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-558

H. 174—Reps. Bedsole, Harper (T),
Zoghby, Bennett, Daniels, Dixon,
Clark (G), Turnham, Stewart,
Warren, Ward, Laird, Hammett,
Cosby, Lewis, Horn, Dial

AN ACT

To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-9-11, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-9-11. Vacancy in office. A vacancy in the office of county superintendent shall be filled by the county board of education within 90 days after such a vacancy occurs. In the event such vacancy is not filled by the county board of education within 90 days, the state superintendent shall fill such vacancy by appointment. The appointee shall hold office for the unexpired term. "Term," as used in this section, includes, in addition to those terms the beginning and ending of which are fixed definitely by the law, terms fixed by the county board of education, in which latter case the unexpired term shall be the balance of the term fixed for the last person serving as such officer; provided, that when there is such vacancy which the state superintendent is authorized to fill, and no term has been fixed by the county board of education, and no term of definite duration is fixed by law, the appointee of the state superintendent of education shall serve two years from the next succeeding first day of July."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-559

H. 194—Reps. Williams, Sasser, Daniels

AN ACT

Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1982, there is hereby appropriated to the Department of Agriculture and Industries out of any monies in the state treasury not otherwise appropriated the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the Commissioner of Agriculture and Industries or the State Veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 2-15-160 through 2-15-168 of the Code of Alabama, 1975.

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This Act shall become effective on October 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-560

H. 237—Rep. Cabaniss

AN ACT

To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. — This Act shall be known and may be cited as the “Alabama Medicare Supplement Minimum Standards Act.”

Section 2. Purpose of Act. — The purpose of this Act is to

establish certain definitions, policy provisions, anticipated loss ratio standards, disclosure requirements applicable to group and individual Medicare supplement disability policies, and to authorize the implementation of these requirements through regulations promulgated by the Commissioner of Insurance consistent with the uniform standards developed by the National Association of Insurance Commissioners to meet the standards enacted in Public Law 96-265 (Laws 1980).

Section 3. Definitions. — For purposes of this Act, the following terms shall have the meaning indicated herein:

A. “Applicant” means:

1. In the case of an individual Medicare Supplement policy or subscriber contract, the person who seeks to contract for insurance benefits, and

2. In the case of a group Medicare Supplement policy or subscriber contract, the proposed certificate holder.

B. “Certificate” means, for the purposes of this Act, any certificate issued under a group Medicare Supplement policy, which policy has been delivered or issued for delivery in this state.

C. “Medicare Supplement Policy” means a group or individual policy of disability insurance or a non-profit hospital and medical plan contract which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. Such term does not include:

1. A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one of more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations, or

2. A policy or contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

a. is composed of individuals all of whom are actively engaged in the same profession, trade or occupation;

b. has been maintained in good faith for purposes other than obtaining insurance; and

c. has been in existence for at least 2 years prior to the date of its initial offering of such policy or plan to its members.

3. Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this Act.

D. "Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Section 4. Standards for Policy Provisions.

A. The Commissioner shall issue reasonable regulations to establish specific standards for policy provisions of Medicare Supplement policies. Such standards shall be in addition to and in accordance with applicable laws of this state, including Chapters 19 and 20, Alabama Insurance Code, and may cover but shall not be limited to:

1. terms of renewability;
2. initial and subsequent conditions of eligibility;
3. nonduplication of coverage;
4. probationary periods;
5. benefit limitations, exceptions and reductions;
6. elimination periods;
7. requirements for replacement;
8. recurrent conditions; and
9. definition of terms.

B. The Commissioner may issue reasonable regulations that specify prohibited policy provisions not otherwise specifically authorized by statute, which in the opinion of the Commissioner, are unjust, unfair or unfairly discriminatory to any person insured or proposed for coverage under a Medicare Supplement policy.

C. Notwithstanding any other provisions of law, a Medicare Supplement policy may not deny a claim for loss incurred more than six months from the effective date of coverage for a pre-existing condition. The policy may not define a pre-existing condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

Section 5. Minimum Standards for Benefits.

1. The Commissioner shall issue reasonable regulations to establish minimum standards for benefits under Medicare Supplement policies.

Section 6. Loss Ratio Standards.

Medicare Supplement policies shall be expected to return to policyholders benefits which are reasonable in relation to the premium charged. The Commissioner shall issue reasonable regulations to establish minimum standards for loss ratios of Medicare Supplement policies on the basis of incurred claims experience and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices.

For purposes of regulations issued pursuant to this section, Medicare Supplement policies issued as a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

Section 7. Disclosure Standards.

A. In order to provide for full and fair disclosure in the sale of Medicare Supplement policies to persons eligible for Medicare, the Commissioner may require by regulation that no Medicare Supplement policy may be delivered or issued for delivery in this state and no certificate may be delivered pursuant to a group Medicare Supplement policy delivered or issued for delivery in this state unless an outline of coverage is delivered to the applicant at the time application is made.

B. The Commissioner shall prescribe the format and content of the outline of coverage required by subsection A. For purposes of this section "format" means style, arrangements and overall appearance, including such items as the size, color and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

1. a description of the principal benefits and coverage provided in the policy;
2. a statement of the exceptions, reductions and limitations contained in the policy;
3. a statement of the renewal provisions including any reservation by the insurer of a right to change the premiums;
4. a statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

C. The Commissioner may prescribe by regulation a standard form and the contents of an informational brochure for persons eligible for Medicare, which is intended to improve the buyer's ability to

select the most appropriate coverage and improve the buyer's understanding of Medicare. Except in the case of direct response insurance policies, the Commissioner may require by regulation that the information brochure be provided to any prospective insureds eligible for Medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the Commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective insureds eligible for Medicare, but in no event later than the time of policy delivery.

D. The Commissioner may further promulgate reasonable regulations to govern the full and fair disclosure of the information in connection with the replacement of disability policies, subscriber contracts or certificates by persons eligible for Medicare, other than:

- (a) Medicare Supplement policies;
- (b) disability income policies;
- (c) basic, catastrophic, or major medical expense policies;
- (d) single premium, nonrenewable policies; or
- (e) other policies defined in Section 1(C) of this Act.

E. The Commissioner may further promulgate reasonable regulations to govern the full and fair disclosure of the information in connection with the replacement of accident and sickness policies, subscriber contracts or certificates by persons eligible for Medicare.

Section 8. Notice of Free Examination.

Medicare Supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within ten (10) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Medicare Supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for Medicare shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination, the applicant is not satisfied for any reason.

Section 9. Administrative Procedures.

Regulations promulgated pursuant to this Act shall be subject to the provisions of Title 27, Chapter 2, Alabama Insurance Code.

Section 10. Separability.

If any provision of this Act or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 11. Effective Date.

This Act shall be effective on or after January 1, 1982, following its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-561

H. 239—Rep. Cabaniss

AN ACT

To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-7-21, Code of Alabama 1975 is hereby amended to read as follows:

“Section 36-7-21. Allowances of persons traveling outside state; authorization of out-of-state travel.

Persons traveling in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies, except such institutions of higher learning as are under the control of a board of trustees and Alabama State University, outside the state of Alabama shall be allowed all of their actual and necessary expenses in addition to the actual expenses for transportation; provided that such travel shall have first been fully authorized in writing by the governor; provided further, that with respect to the legislative department, members of the legislature, subordinate officers and employees of the legislature and the directors and employees of the legislative departments (legislative reference service, legislative fiscal office and examiners of public accounts), such travel shall be authorized in writing by the lieutenant governor for the lieutenant governor and members of the senate, by the speaker

of the house for the speaker of the house and members of the house of representatives, by the secretary of the senate or the clerk of the house for subordinate officers and employees of the legislature and by the directors for the directors and employees of the legislative departments; and with respect to the judicial department, the officers and employees thereof, such travel shall be authorized in writing by the chief justice. Persons representing the excepted institutions of higher learning shall receive authority for out-of-state travel from the presidents of said institutions. The provisions of this section shall not apply to examiners or other persons designated by the Commissioner of Insurance to examine or cause to be examined insurance corporations qualified or attempting to qualify in this state when the expense incurred by such examiner shall be paid by or collected or received from such insurers or persons examined under the provisions of Section 27-2-25."

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 17, 1981.

Time: 2:00 P.M.

Act No. 81-562

H. 409—Reps. Boles, McCorquodale, Cheatwood, Payne, Nevett, Olive, Horn, Escott, Kennedy, Harrison, Cabaniss, Trammell, Moore, Patton, Goodwin, Starkey, Cobb, Hall, Drinkard, Stout, Harvey, Ward, Laird, Grimsley, Whatley, Carothers, Dixon, Shoemaker, Holley, Langford, Wyatt, Cates, Hammett, Hines, Warren, McMillan, Penry, Sandusky, Harper (T), Turner, Albright, Roberts, Johnson (Roy), Rains, Ford, Brakefield, Letson, Barton, Smith (C), Clark (G), Manley, Campbell, Venable, Dial, McKee, Blake, Minus, Johnson (R. G.), Adams (C), Reed, Bedsole, Buskey, Clark (W), Stewart, Edwards, Cosby, Pegues, Coburn,

Willis, Crow, Sasser, Amari,
Waggoner, Gregg, Smith (M),
Mitchell

AN ACT

To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established within the Legislative Fiscal Office a state land resources center which shall compile certain data and information as hereinafter prescribed on all state owned lands, including those lands owned by state supported educational institutions, and such data and information shall only be released upon request by members of the legislature. Such center shall be under the supervision of the Legislative Fiscal Officer who shall compile and keep up to date the following data and information on such lands:

- a. Location — should include postal address and metes and bounds description where both are applicable;
- b. size — acreage and dimensions of lot or parcel;
- c. type of development — agricultural, commercial, governmental, institutional, educational, residential, forest lands, mineral lands including details of any income generated from such development;
- d. description and general condition of improvement if any — amount of rental income if leased and name and address of lessee;
- e. certified copy of original deed to state of property — along with notation of any changes in status or ownership;
- f. itemized annual breakdown at the end of each fiscal year of the expenses incurred and the income generated by each parcel.

Section 2. All state agencies and educational institutions shall cooperate to the extent necessary to supply to the state land resources information center all data and information required by section 1 of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act

are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-563

H. 585—Reps. McMillan, Penry, Hines,
Turner, Stewart, Parker, Cosby,
Mitchell, Cheatwood, Cobb,
Zoghby, Bedsole, Harper (T)

AN ACT

To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful to operate a motor vehicle, motorcycle or motor driven cycle as they are defined by Act No. 80-434, Regular Session 1980 (Acts 1980, p. 604) on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama off of the public roads, parking places and private drive-ways.

Provided, however, owners of private property, their families, and invited guests may park their motor vehicles on their private property; and provided that motor vehicles engaged in the construction, maintenance or repair of utility facilities may be operated on such beaches and sand dunes to the extent necessary to carry out such construction, repair or maintenance of utility facilities; and provided further that motor vehicles actively engaged in construction projects may be operated on sites for which building permits have been issued by the proper building inspector or authority.

Section 2. Any person violating the provisions of this act shall be guilty of a Class C misdemeanor.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part

of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-564

H.J.R. 259—Rep. Owens

HOUSE JOINT RESOLUTION

COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

WHEREAS, our state employees perform innumerable vital and necessary services for the general public of the State of Alabama; and

WHEREAS, a staggering amount of work is routinely and skillfully processed on a daily basis by state employees who conscientiously and consistently discharge their duties and responsibilities in a professional and competent manner; and

WHEREAS, the quality of these services has never been compromised, regardless of circumstances, as our state employees take great pride in their performance on the job; and

WHEREAS, in recent weeks there have been regrettable misunderstandings concerning a number of executive and legislative proposals that might well have an effect on the compensation and benefits of state employees; and

WHEREAS, morale among state employees has understandably been low in recent weeks due to a preponderance of rumors throughout this legislative session; and

WHEREAS, the vast majority of state employees have maintained their composure and have in no way allowed such rumors to adversely affect their productivity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state employees of Alabama are hereby commended for their continuing dedicated service to state government; we stand in tribute to their

loyalty, in praise of their perseverance, and express our heartfelt gratitude for their labors on behalf of the State of Alabama and its citizens.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-565

H. 374—Rep. Drinkard

AN ACT

To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the Department of Industrial Relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the Department of Industrial Relations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-146, Code of Alabama 1975, is hereby amended to read:

“ § 25-4-146. Certain employees of the Department of Industrial Relations constituted peace officers to enforce the Unemployment Compensation Law and other hereinafter specified criminal laws of the state.

Employees of the department of industrial relations classified as unemployment insurance claims investigators and those supervisors charged with the direct enforcement of the fraud provisions of the Alabama Unemployment Compensation Law, as designated in writing by the director of the Department of Industrial Relations, are hereby constituted peace officers of the State of Alabama with full and unlimited police powers and jurisdiction as any other state police officers in this state, to enforce the provisions of the Alabama Unemployment Compensation Law and those provisions of state criminal law relating to forgery, larceny, embezzlement and fraud when the offense of forgery, larceny, embezzlement or fraud is directly related to a check issued by the Department of Industrial Relations or a check issued in conjunction with a program administered by the Department of Industrial Relations and to maintain order in offices operated by said department.”

Section 2. All claim investigators given arrest powers by this bill shall be required to comply with the minimum standard requirements now in effect relating to state troopers and deputy sheriffs in this state.

Section 3. The provisions of this Act shall become effective upon its passage and approval of the Governor or its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-566

H.J.R. 270— Reps. Stewart, Clark (W), Gilmer, Grouby, Kennedy, Parker, Penry, Rains, Sandusky, Seibels, Smith (M), Whatley, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

TO CREATE A JOINT INTERIM COMMITTEE TO STUDY THE VALUE OF ALABAMA'S EXISTING INDUSTRY TO THE CONTINUED ECONOMIC GROWTH AND TO THE GENERAL WELFARE AND HAPPINESS OF ITS PEOPLE.

WHEREAS, the value of Alabama's existing industrial complex is often unappreciated in our continuing search for new manufacturing payrolls and other development projects; and

WHEREAS, Alabama's existing manufacturers, through their investments in land, buildings and equipment, through payrolls, purchases and taxes generated, contribute continuously to the well-being of the State's citizens and provide needed public services at all governmental levels; and

WHEREAS, it has been demonstrated many times that the State's existing facilities serve to attract new industry from outside its borders; and

WHEREAS, the announced capital investment for expanding industry has exceeded that of a new industry in every year but six since industrial development statistics were begun in 1947; and

WHEREAS, the announced capital investment for expanding industries has exceeded that of new industries in all but one year since 1955; and

WHEREAS, the progress of the State in expanding its industrial base has been enhanced by the cooperative efforts of the Alabama

Development Office; and

WHEREAS, the expansion of an existing facility creating new jobs is just as valuable to a community as the acquisition of a new plant creating the same number of jobs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the maintenance of a good business climate is essential to the vitality and health of Alabama's existing industrial complex.

BE IT FURTHER RESOLVED, That the Alabama Legislature establish an interim committee to serve as a liaison with the State's existing industry officials in order that state government can be responsive to the particular needs and problems of the manufacturing segment of its economy. Said committee shall be composed of five members of the House appointed by the Speaker of the House and five members of the Senate appointed by the Lieutenant Governor.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the Legislature not later than the last day of the next Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the committee's Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$6,000.00.

Approved May 17, 1981

Time: 2:00 P.M.

MOURNING THE DEATH OF MR. ARTHUR B. ROBERTSON OF CLAYTON, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the untimely death of Arthur B. Robertson of Clayton, Alabama, on April 29, 1981, at the age of 59; and

WHEREAS, a prominent Clayton attorney, Mr. Robertson was a graduate of the University of Alabama and of the University's School of Law; he was a member of the Board of Bar Commissioners, Chairman of the Alabama Bar Association Disciplinary Commission, and was a second vice president of the State Bar; and

WHEREAS, Mr. Robertson served the City of Clayton in mayoral capacity from 1964 until 1980; he also was a former city attorney and had served as a member of the Barbour County Board of Revenue; and

WHEREAS, Mayor Robertson was a veteran of World War II, receiving both the Silver Star and the Bronze Star in commendation of his combat service; he further served with honor during the Korean Conflict as a Captain in the United States Army; and

WHEREAS, as an Alabamian of achievement, he was held in high regard by his professional peers and had earned the gratitude and affection of the citizens of Clayton and Barbour County whose interests he long served in responsible concern for the welfare and betterment of his community; and

WHEREAS, Arthur B. Robertson was a longtime and faithful member of the Clayton Baptist Church, a member of the Clayton Rotary Club, and a member of Sigma Nu Fraternity who "walked in the way of honor and served in the light of truth"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Arthur B. Robertson of Clayton, Alabama, and extend our most heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Mozelle Robertson, his mother, Mrs. Minnie Robertson, his daughter Lynn and sons, Arthur B., III, and John F. Robertson, that they and other family members may know of our shared sorrow in their great loss.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-568

H.J.R. 343—Reps. Dixon, Holmes

HOUSE JOINT RESOLUTION

ENDORISING AND SUPPORTING THE MONTGOMERY CHAPTER OF THE AMERICAN EX-PRISONERS OF WAR, INCORPORATED, AND URGING ALL ALABAMIANS TO ASSIST EX-PRISONERS OF WAR.

WHEREAS, many former American prisoners of war who were captured or interned by the enemy have united to form a local chapter of the American Ex-Prisoners of War, Incorporated; and

WHEREAS, this chapter will seek to foster and promote patriotism and loyalty, maintain allegiance to the United States, preserve and defend the United States from all enemies and to encourage fraternity among participating members; and

WHEREAS, the people of this great country owe an overwhelming debt of gratitude to all former prisoners of war for their service and suffering for the cause of freedom; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially endorse and support the Montgomery Chapter of the American Ex-Prisoners of War, Incorporated, and urge all Alabamians to assist ex-prisoners of war.

RESOLVED FURTHER, That the Clerk of the House of Representatives send a copy of this resolution to the Secretary of the Montgomery Chapter of the American Ex-Prisoners of War.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-569

H.J.R. 344—Reps. Dixon, Holmes

HOUSE JOINT RESOLUTION

DECLARING NOVEMBER 11, 1981, "VIET NAM VETERANS DAY" IN THE STATE OF ALABAMA.

WHEREAS, a blot upon our nation's history and a stain that yet remains is our shameful disregard for those loyal Americans who served in combat in Viet Nam; and

WHEREAS, during the Viet Nam era, almost three million American men and women of our armed forces served the cause of

freedom in selfless dedication and in courage; and

WHEREAS, of that number, some 55,000 brave Americans lost their lives in combat, many other thousands were wounded in battle and 12 to 14,000 of our countrymen were missing in action; and

WHEREAS, almost six years after Viet Nam, our nation triumphantly and befittingly heralded the return of the American hostages from Iran, a welcome sharp in contrast with the homecoming of our Viet Nam veterans, but an event which at last brought to mind our debt unpaid to those who served in sacrifice during Viet Nam; and

WHEREAS, the recent April 26, Viet Nam Veterans' Day, belatedly so designated by the United Congress, passed almost unnoticed in our state and nation; and

WHEREAS, there are approximately 12,000 veterans of Viet Nam now residing in Alabama and it is deemed fitting by this body that we appropriately honor these gallant Americans and all those with whom they served; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That November 11, 1981, National Veterans Day, is hereby also designated Viet Nam Veterans Day in Alabama, and we urge all our citizens to join us in honor and recognition of the courageous veterans of Viet Nam.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-570

H.J.R. 349—Rep. Clark (G)

HOUSE JOINT RESOLUTION

TO STATE THE LEGISLATURE'S RESOLVE TO REAPPORTION ITSELF AND TO SUGGEST TO THE GOVERNOR THAT A SPECIAL SESSION BE CALLED EXCLUSIVELY FOR REAPPORTIONMENT PURPOSES.

WHEREAS, The Alabama Legislature resolves firmly to make every effort to reapportion itself in response to population changes indicated by the 1980 federal census; and

WHEREAS, certain population figures of the 1980 census are presently in dispute; and

WHEREAS, the Legislature wishes to hear the report and suggestions of the Legislative Interim Committee on Reapportionment so that the Legislature might be fully informed and advised on the

matter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body review the recommendations and report of the interim committee on reapportionment upon the conclusion of its study and that this body resolves to reapportion itself according to the 1980 census changes, and for such purpose we strongly suggest and request that the Governor call a special session exclusively for the purpose of reapportionment upon the completion of the study of said interim committee.

RESOLVED FURTHER, That a copy of this resolution be sent to the Governor.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-571

H.J.R. 350—Reps. Seibels, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward,

Warren, Whatley, Williams,
Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MR. BOBBY ALLISON ON CAPTURING THE TALLADEGA 12TH ANNUAL WINSTON 500 TITLE.

WHEREAS, the Alabama Legislature notes with pride that Hueytown's own, Mr. Bobby Allison, with bullet speed in a cardiac thrilling finish captured the 12th Annual Winston 500 crown at Talladega on May 3, 1981; and

WHEREAS, Bobby Allison not only out-distanced a 40-car field for a thrilling nose-finish to the checkered flag by 28 feet, or one-tenth of a second, he survived numerous crashes, including a cracked windshield and bumper damage to his own Wadell Wilson-made Buick and competition from the giants of national stock car racing; and

WHEREAS, in spite of numerous caution flags, the Stock Car Racing King, Bobby Allison, attained an average speed of 149.376 miles per hour; and

WHEREAS, the Talladega "500" has brought pulsating thrills to millions during the last twelve years and is viewed by the stock car racing professionals as one of the finest tracks and events; and

WHEREAS, Bobby Allison, has brought great distinction not only to himself but to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. Bobby Allison on capturing the title of the 12th Annual Winston 500 Grand National Stock Car Race at Talladega and send a copy of this resolution so that he may know of our esteem and admiration.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-572

H.J.R. 353— Minus, Adams (C), Adams (H),
Albright, Amari, Barton, Bedsole,
Bennett, Biddle, Blake, Boles,
Bowling, Brakefield, Buskey,
Cabaniss, Campbell, Carothers,
Carter, Cates, Cheatwood,
Clark (G), Clark (W), Cobb,

Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon, Drinkard,
 Edwards, Escott, Ford, Gafford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O), Harper (T),
 Harrison, Harvey, Hines, Holley,
 Holmes, Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy, Laird, Langford,
 Letson, Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXTENDING BEST WISHES TO ALYCE HUGHES MANLEY ON HER IMPENDING MARRIAGE.

WHEREAS, it is with extreme pleasure that the Legislature of Alabama notes the forthcoming marriage, on August 15, 1981, of Miss Alyce Hughes Manley to Mr. Bruce Edward Spruell, both of Demopolis, Alabama; and

WHEREAS, Miss Manley is the granddaughter of Mrs. William Whit Cardwell and the late Mr. Cardwell of Birmingham and the late Dr. and Mrs. Richard Sabine Manley of Epes and the daughter of Mr. Richard Shannon Manley of Demopolis; and

WHEREAS, the daughter of our Speaker Pro Tempore, she is a 1980 graduate of Vanderbilt University where her activities and honors included vice president of Kappa Kappa Gamma Sorority, Sigma Nu Little Sister White Rose Court, NROTC Senior Blue Angel, Pi Sigma Alpha political science honorary and Parents Weekend Chairman; and

WHEREAS, Mr. Spruell is the grandson of the late Mr. and Mrs.

Ralph Spruell, Sr. of Birmingham and the late Mr. and Mrs. William H. Quarles of Tuscaloosa and the son of Mr. and Mrs. Ralph Walton Spruell; and

WHEREAS, Mr. Spruell will receive his degree in respiratory therapy in August from Livingston University and the University of Alabama in Birmingham's School of Community and Allied Health Science, where his honors included the Dean's list; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend best wishes to this fine young couple; we sincerely wish them much happiness in the years ahead and direct that they receive a copy of this resolution in token of our affection and warm personal regards.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-573

H. 519—Rep. McCorquodale

AN ACT

To provide for an increase of \$10.00 in the court costs which may lawfully be imposed upon conviction, in the municipal court of the Town of Grove Hill, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the Town of Grove Hill and used by it for promotion of law enforcement.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all court costs which are presently authorized to be imposed in the Municipal Court of the Town of Grove Hill, Alabama under Section 12-14-14 of the Code of Alabama of 1975, the governing body of said Town of Grove Hill is hereby authorized to impose, by enactment of an ordinance, additional court costs, not to exceed \$10.00, upon each conviction in said Municipal Court for violation of any municipal ordinance.

Section 2. All such additional costs, so imposed, shall be paid into the General Fund of said Town of Grove Hill and shall be used by it solely for the promotion of law enforcement within said Town of Grove Hill and its police jurisdiction.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-574

H. 574—Rep. Harvey

AN ACT

Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County, the tax assessor and tax collector are each hereby entitled to an expense allowance in the amount of \$250.00 per month. Said allowance shall be in addition to any and all other compensation, fees and allowances heretofore provided by law and shall be paid monthly out of the general fund of the county.

Section 2. This Act shall become effective October 1, 1980.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-575

H. 613—Rep. McCorquodale

AN ACT

Relating to Clarke County; providing for an additional expense allowance for members of the Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, each member of the county board of education is hereby entitled to an additional monthly expense allowance of \$75.00 a month. Said allowance shall be in addition to any and all other compensation, salary, or expense allowance heretofore provided by law and shall be paid in equal monthly installments out of the same funds as other compensation and expense allowances are paid to said members.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.